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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49

Cultural practices in the family that are violent towards women

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Executive summary

The universal standards of human rights are often denied full operation when it comes to the rights of women. Throughout the world, there are practices in the family that are violent towards women and harmful to their health. Young girls are circumcised, live under severe dress codes, are given in prostitution, denied property rights and killed for the sake of honour in the family. This report documents a number of cultural practices which violate women's human rights to bodily integrity and to expression, as well as undermining essential values of equality and dignity. These practices and many others constitute a form of domestic violence but have avoided national and international scrutiny because they are seen as cultural practices that deserve tolerance and respect.

Cultural relativism is often used as an excuse to permit inhumane and discriminatory practices against women in the community, despite clear provisions in many human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, in accordance with which States parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (art.5).

The Special Rapporteur provides extensive empirical evidence of the various types of cultural practice in the family found in different parts of the world that are violent towards women. All cultures have certain practices that deny women their rights and dignity. The Special Rapporteur records evidence of such practices in the hope that States will take immediate action to help eradicate those that are violent towards women.

The Special Rapporteur gives special attention in the report to dominant ideologies and structures within societies that perpetuate cultural practices that are violent towards women, including the regulation of female sexuality and masculinity and violence. Many of the cultural practices discussed in the report are based on a society's belief that the freedom of a woman, especially her sexual identity, should be curtailed and regulated. Many scholars have pointed out that the fear of female sexuality and its expression are responsible for many of the regimes of law that operate in the cultural sphere. These ideologies and structures emerged in a different era but continue to be harmful to women and to dominate public opinion and individual lifestyles, thus preventing the eradication of practices that are harmful to women.

The report emphasizes State responsibility to eradicate violence in the family and documents the positive developments strategies to deal with harmful cultural practices developed by States in cooperation with women's organizations.

The report concludes with recommendations from the Special Rapporteur on ways to eliminate cultural practices that are violent towards women. The Special Rapporteur recommends that women from the various communities should be listened to and assisted to transform harmful practices without destroying the rich cultural tapestry of their societies which makes up their identity. She urges States not to invoke any custom, tradition or religious consideration to avoid their obligation to eradicate violence against women and the girl child in

the family. Instead, she suggests, States should develop penal, civil and administrative sanctions in domestic legislation to punish violence in the family and provide redress to women victims, even if the violence is associated with a cultural practice. The penal sanction should be strong and effective and not merely on paper. Furthermore, States should develop national plans of action to eradicate violence in the family, particularly violence relating to cultural practices, through health and education programmes at the grass-roots level. Finally, States should adopt all appropriate measures in the field of education to modify the social and cultural patterns of conduct that foster cultural practices in the family that are violent towards women.

Preface

The Commission on Human Rights, at its fifty-sixth session, in its resolution 2001/49, took note with appreciation of the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2001/73 and Add.1-2) and encouraged her in her future work.

In follow-up to her previous reports on violence against women in the family (E/CN.4/1995/42, E/CN.4/1996/53, and E/CN.4/1999/68), the present report focuses on cultural practices in the family that are violent towards women.

Working methods

In an attempt to provide a systematic review of States' compliance with their international obligations with respect to eradicating cultural practices that are violent towards women, the Special Rapporteur requested Governments and non-governmental organizations to provide her with written accounts on how State practice and policy have dealt with such practices. In particular, the Special Rapporteur asked for information on the follov .ng:

(a) Studies that have been carried out on these issues;

(b) Any national, regional and international initiatives that have been taken to combat the problems;

(c) Legal or other resources available;

(d) Statistics in order to evaluate the impact of laws and policies.

The Special Rapporteur would like to express her gratitude to all States and non-governmental organizations that provided information, which contributed significantly in the preparation of her report.

The Special Rapporteur also constituted a research team from experts around the world to assist her in reporting to the Commission on matters relating to cultural practices. The results of its research are included in the present report.[1]

Country visits

The Special Rapporteur would like to draw the attention of the Commission on Human Rights to the reports of her missions in 2001 to Sierra Leone and Colombia (E/CN.4/2002/83/Add.2 and 3). The Special Rapporteur would like to take this opportunity to

express her appreciation to the Governments of Sierra Leone and Colombia for facilitating her visit and enabling her to meet with all relevant interlocutors, both governmental and non-governmental, in both countries.

The Special Rapporteur regrets that her visit to Russia with respect to the situation in the Republic of Chechnya, scheduled for 2001, did not take place, as the proposed dates were not suitable for the Government, and hopes that the visit will take place in 2002.

I. INTRODUCTION

1. Throughout the world, there are practices in the family that are violent towards women and harmful to their health. Young girls are circumcised, live under severe dress codes, given in prostitution, denied property rights and killed for the sake of honour in the family. These practices and many others constitute a form of domestic violence but have avoided national and international scrutiny because they are seen as cultural practices that deserve tolerance and respect. The universal standards of human rights are often denied full operation when it comes to the rights of women. Cultural relativism is therefore often an excuse to allow for inhumane and discriminatory practices against women in the community. In the next century, the problems posed by cultural relativism, and the implications for women's rights, will be one of the most important issues in the field of international human rights.

2. The Convention on the Elimination of Discrimination against Women is extremely clear. Article 5 states:

> "State Parties shall take all appropriate measures:
>
> (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.
>
> ..."

3. Article 2 of the Convention states: "State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women ...".

4. The Declaration on the Elimination of Violence against Women, solemnly proclaimed by the General Assembly in its resolution 48/104, also states clearly, in article 4, "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination".

5. Despite these international norms and standards, the tension between universal human rights and cultural relativism is played out in the everyday lives of millions of women throughout the globe. The situation is made more complex by the fact that women also identify with their culture and are offended by the arrogant gaze of outsiders who criticize their way of doing things. Since their sense of identity is integrally linked to the general attitude towards their community, their sense of dignity and self-respect often comes from being members of the larger community. In minority communities and third world communities that already suffer from discrimination, this sense of identity poses major problems for women. Some women have told the Special Rapporteur that they do not mind wearing the veil because they see the veil as subversive against imperialism. Cultural markers and cultural identity that allow a group to stand united against the oppression and discrimination of a more powerful ethnic or political majority often entail restrictions on the rights of women. Many indigenous communities do not allow women civil rights or property rights and yet they themselves are often a threatened

community, very vulnerable to the dictates of the more powerful groups in their respective societies. For this reason, the issue of cultural relativism requires a measure of sensitivity. Women's rights must be vindicated but women should win those rights in a manner that allows them to be full participants in a community of their choosing. Without respecting their right to community, any attempt to struggle for women's rights might create a backlash that will marginalize the women fighting for equal rights.

6. Nevertheless, many of the practices enumerated in the next section are unconscionable and challenge the very concept of universal human rights. Many of them involve "severe pain and suffering" and may be considered "torture like" in their manifestation. Others such as property and marital rights are inherently unequal and blatantly challenge the international imperatives towards equality. The right to be free from torture is considered by many scholars to be jus cogens, a norm of international law that cannot be derogated from by nation States. So fundamental is the right to be free from torture that, along with the right to be free from genocide, it is seen as a norm that binds all nation States, whether or not they have signed any international convention or document. Therefore those cultural practices that involve "severe pain and suffering" for the woman or the girl child, those that do not respect the physical integrity of the female body, must receive maximum international scrutiny and agitation. It is imperative that practices such as female genital mutilation, honour killings, Sati or any other form of cultural practice that brutalizes the female body receive international attention, and international leverage should be used to ensure that these practices are curtailed and eliminated as quickly as possible.

7. Other cultural practices that amount to discrimination likewise require international attention. Women's right to free and full consent to marriage, the right to equality with the partner throughout a marriage and at its dissolution, and the right to inheritance and property are also matters that are of serious concern. Article 16 of the Convention on the Elimination of Discrimination against Women clearly sets out the framework for marriage and family relations, based on the twin principles of freedom of choice and equality within the marriage. However, these principles are often in conflict with many religious and customary laws that regulate marriage and family life throughout the world.

8. Many of these laws and practices go against cherished international principles. For example, age of marriage that allows for child marriage is a clear violation of the Convention on the Rights of the Child, which is the most widely ratified Convention in the world, indicating international consensus on the norms contained in its provisions. The refusal to allow women the right to free and full consent also derogates from recognized principles of human rights contained in the International Covenants of Human Rights. In both these contexts, there should be maximum international and national pressure to ensure that religious and customary laws conform to universally accepted international norms.

9. With regard to other provisions relating to discrimination, different approaches have been suggested by different women's groups around the world to deal with the dilemma posed by the failure of international standards at the national level. For some, the notion of "progressive realization of rights" taken from the Committee on Economic, Social and Cultural Rights is seen as the appropriate strategy, with minimum core rights to be protected, such as those relating to the rights of children, the exercise of free choice and the protection of certain economic rights of

women. The recent approach of the South African Law Commission is one such attempt at spelling out the minimum core rights that should be protected by any law relating to the family. Another approach has been to give individuals and couples the right to choose the law that should govern their marriage so that they can opt out of traditional systems in favour of a law based on the Convention on the Elimination of All Forms of Discrimination against Women, if they wish to do so. This gives couples the right to exit systems that they feel are oppressive or discriminatory, which should be a fundamental right in any modern society. These types of approach should be explored in greater detail in the various societies where this plethora of traditional laws prevails and a deliberate attempt should be made to ensure that, in the next few decades, religious and customary laws are brought into conformity with international standards.

10. In pushing for such reform, the issue of cultural identity and cultural respect should also be taken into consideration. For this reason, women living in these communities should be the ones providing leadership and devising strategy. The lead for change and transformation must come from them if universal standards are to find resonance in these very diverse societies. It is important that the international community work closely with women from the religious and ethnic groups concerned, so that any change is seen to be acceptable to the vast majority of women who have to live with discriminatory and oppressive laws.

II. CULTURAL PRACTICES IN THE FAMILY THAT VIOLATE WOMEN'S RIGHTS

11. There are many cultural practices throughout the world that are violent toward women. In this section some of the more disturbing violations are described, in order to highlight the nature of the problem.

A. Female genital mutilation

12. Female genital mutilation (FGM), a deeply rooted traditional practice, is believed to have started in Egypt some 2,000 years ago. It is estimated that more than 135 million girls and women in the world have undergone FGM and 2 million girls a year are at risk of mutilation. FGM is practised in many African countries including Chad, Côte d'Ivoire, Ethiopia, Kenya, Mali, Nigeria, Sierra Leone, the Sudan, Uganda and the United Republic of Tanzania. In the Middle East, FGM is practised in Egypt, Oman, the United Arab Emirates and Yemen. It has also been reported in Asian countries such as India, Indonesia, Malaysia and Sri Lanka. Immigrants from these countries perform FGM in Australia, Canada, Denmark, France, Italy, the Netherlands, Sweden, the United Kingdom and the United States of America. It is suspected that FGM is performed among some indigenous groups in Central and South America.

13. The methods and types of mutilation differ according to each country and ethnic group. But, FGM may be broadly classified into four groups:

(i) Circumcision, or cutting of the prepuce or hood of the clitoris, known in Muslim countries as *sunna* (tradition). This is the mildest form, of FGM and affects only a small proportion of women. It is the only form of mutilation to be correctly termed circumcision, but there has been a tendency to group all kinds of mutilations under the misleading term "female circumcision".

(ii) Excision, meaning the cutting of the clitoris and all or part of the labia minora.

(iii) Infibulation, the cutting of the clitoris, labia minora and at least the anterior two thirds and often the whole of the labia majora. The two sides of the vulva are then pinned together by silk or catgut sutures, or with thorns, leaving a small opening for the passage of urine or menstrual blood. These "operations" are done with special knives, razor blades, scissors or pieces of glass and stone. The girl's legs are then bound together from hip to ankle and she is kept immobile for up to 40 days to permit the formation of scar tissue.

(iv) Intermediate, meaning the removal of the clitoris and some or all of the labia minora. Sometimes, slices of the labia majora are removed. The practice varies according to the demands of the girl's relatives.

14. The main reasons given for the continuation of this practice are custom and tradition. In societies where FGM is practised, a girl is not considered an adult or a complete woman until she goes through the "operation". Some societies believe that all persons are hermaphroditic and the removal of the clitoris makes the female a "pure woman". It is said also to test a woman's ability to bear pain and defines her future roles in life and marriage while preparing her for the pain of childbirth. FGM is also a result of the patriarchal power structures which legitimize the need to control women's lives. It arises from the stereotypical perception of women as the principal guardians of sexual morality, but with uncontrolled sexual urges. FGM reduces a woman's desire for sex, reduces the chances of sex outside marriage and thus promotes virginity. It is also deemed necessary by society to enhance her husband's sexual pleasure. A husband may reject a woman who has not gone through the "operation". Health reasons are also put forward as justifications for FGM. Unmutilated women are considered unclean. It is believed that FGM enhances fertility. It is considered that the clitoris is poisonous and that it could prick the man or kill a baby at childbirth. In some FGM-practising societies, there is a belief that the clitoris could grow and become like a man's penis. Even though FGM pre-dates Islam, religious reasons are given for the continuation of FGM in some societies.

15. Despite such justifications, the reality is that FGM is a practice that has many negative consequences. Owing to the unhygienic circumstances in which it is carried out, there are many short-term and long-term health hazards connected with it. Short-term complications include local and systematic infections, abscesses, ulcers, delayed healing, septicaemia, tetanus, gangrene, severe pain and haemorrhage that can lead to shock, damage to the bladder or rectum and other organs, or even death. Long-term complications include urine retention, resulting in repeated urinary infections; obstruction of menstrual flow, leading to frequent reproductive tract infections and infertility; prolonged and obstructed labour leading to fistula formation which results in dribbling urine; severe pain during intercourse; extremely painful menstruation; and psychological problems such as chronic anxiety and depression. The cycle of pain continues when cutting and restitching is carried out to accommodate sexual intimacy and childbirth.

16. During the colonial period, attempts were made to eradicate FGM. Christian missionaries in the Sudan tried to uproot the practice by including a message against FGM in their medical education programmes. When this was not successful, the British Colonial

Government resorted to legislation in 1946. Under the law, infibulation was made unlawful. But this did not stop the practice; rather it forced the families to have the procedure done in secret.

17. FGM was widely publicized in Western countries again in the 1970s by European and North American feminists. As a result, individual countries began to pass legislation that either regulated or banned FGM. Kenya condemned FGM in 1982 and passed formal legislation banning it in1990. Côte d'Ivoire promised the United Nations in 1991 to use its existing criminal code to prohibit the practice and passed a law prohibiting it in 1998. Sweden was one of the first countries specifically to condemn FGM. It banned health professionals from performing the operation in 1982. The United Kingdom passed the Prohibition of Female Circumcision Act 1985. The United States and Canada consider FGM as a type of harm that could qualify someone for protection under the Convention relating to the Status of Refugees. In 1997, the United States criminalized the practice of FGM under the Illegal Immigration Reform and Immigrant Responsibility Act. Australia, New Zealand, Switzerland, France[2] and the Netherlands are other Western countries that have made FGM a punishable offence. Recently, Burkina Faso, Gambia and Egypt took a stand against FGM.[3] The Central African Republic, Djibouti, Ghana, Guinea, Senegal, Tanzania and Togo have also passed legislation banning FGM in recent years.

18. Within the United Nations system, it was during the United Nations Decade for Women 1975-1985, that FGM again became an issue for discussion. As a result, the then Centre for Human Rights in Geneva, the 1993 World Conference on Human Rights in Vienna and the 1993 World Health Assembly condemned FGM as a violation of human rights. The Special Rapporteur on violence against women, in her preliminary report, recognized FGM as a form of violence against women that requires concerted international and national action for its eradication.

19. In many countries in Africa, there now exist strong indigenous movements aimed at stopping the practice of female genital mutilation. In Kenya there now exists a ceremony called "circumcision with words", celebrating a young girl's entry into womanhood but with words rather than through genital cutting. In Senegal, religious leaders have gone on village-to-village pilgrimages to stop the practice. It is only with enthusiastic support from the local community that this practice can eventually be eliminated.

20. Other forms of genital mutilation also exist that require mention. Tutsi women in Rwanda and Burundi undergo the practice of elongation of the labia the aim being to allow the women to experience greater sexual pleasure. In other societies the circumcision of men results in violation of women's rights. In West Timor, during the male circumcision ceremony, the young man being circumcised must then have sex with virgin girls chosen for the occasion.

B. Honour killings

21. Honour killings in Pakistan (originally a Baloch and Pashtun tribal custom) have recently received international attention. Honour killings are now reported not only in Balochistan, the North-West Frontier Province and Upper Sind, but in Punjab province, as well. They are also reported in Turkey (eastern and south-eastern Turkey but also in Istanbul and Izmir in western

Turkey), Jordan, Syria, Egypt, Lebanon, Iran, Yemen, Morocco and other Mediterranean and Gulf countries. It also takes place in countries such as Germany, France and the United Kingdom within the migrant communities.[4]

22. Honour killings are carried out by husbands, fathers, brothers or uncles, sometimes on behalf of tribal councils. The killing is mainly carried out by under-aged males of the family to reduce the punishment. They are then treated as heroes. The action is further endorsed by their fellow inmates in prison, if they are sent there, who wash these young boys' feet and tell them that they are now "complete" men. The act is regarded as a rite of passage into manhood. Ironically, it is not unheard of for female relatives to either carry out the murder or be accomplice to it.

23. It should be stated here that it is extremely difficult to collect accurate statistical data on honour killings in any given community. As honour killings often remain a private family affair, there are no official statistics on practice or frequency and the real number of such killings is vastly greater than those reported. The Washington Post Foreign Service reports that 278 murders were reported in Punjab in 1999, (8 May 2000) The Special Task Force for Sindh of the Human Rights Commission of Pakistan received reports of 196 cases of honour killings in 1998 and more than 300 in 1999. Every year more than 1,000 women are killed in the name of honour in Pakistan alone. During the summer of 1997, Khaled Al-Qudra, then Attorney-General in the Palestinian National Authority stated that he suspected that 70 per cent of all murders in Gaza and the West Bank were honour killings. They are usually attributed to natural causes. In Lebanon, 36 honour crimes were reported between 1996 and 1998, in Jordan 20 honour killings in 1998 and in Egypt 52 similar crimes in 1997. In Iraq more than 4000 women have been killed since 1991. The same report stated that between 1996 and 1998 in Bangladesh, about 200 women were attacked with acid by husbands or close relatives, but the number of deaths is unknown. In the West there are honour killings among immigrant communities. In the United Kingdom, INTERIGHTS has a special project that documents forced marriage cases and the threat of honour killings to British women who come from immigrant communities.

24. In a frequently cited case, a teenager's throat was slit in a town square in Turkey because a love ballad was dedicated to her over the radio. Other reasons include bringing food late, answering back, undertaking forbidden family visits etc. These women's lives are circumscribed by traditions which enforce extreme seclusion and submission to men. Male relatives virtually own them and punish contraventions of their proprietorship with violence.

25. It is not necessarily for love, shame, jealousy or social pressure that these crimes are committed. Economic and social issues also contribute to the rise in honour killings. Amnesty International claims that factors such as the progressive brutalization of society due to conflict and war, increased access to heavy weapons, economic decline and social frustration also lead to increased resort to the honour killing system

26. Cleansing one's honour of shame is typically handled by shedding the blood of a loved one; the person being murdered is typically a female, the murderer is typically a male relative, and the punishment of the male is typically minimal. Most significantly, the murderer is revered and respected as a true man.

27. Honour is a magic word, which can be used to cloak the most heinous of crimes.[5] The concept of honour is especially powerful because it exists beyond reason and beyond analysis. But what masquerades as "honour" is really men's need to control women's sexuality and their freedom. These murders are not based on religious beliefs but, rather, deeply rooted cultural ones. Family status depends on honour. In patriarchal and patrilineal societies maintaining the honour of the family is a woman's responsibility. In these societies, the concept of women as commodities and not as human beings endowed with dignity and rights equal to those of men is deeply embedded. Women are seen as the property of men and they have to be obedient and passive, not assertive and active. Their assertion is considered as an element which would result in an imbalance of power relations within the parameters of the family unit.

28. Women are seen to embody the honour of the men to whom they "belong". As such they must guard their virginity and chastity. Honour killings in West Asia have their roots in the crude Arabic expression "a man's honour lies between the legs of a woman". By controlling women's sexuality and reproduction, they become the custodians of cultural and ethnic purity. But, male control extends not just to a woman's body and her sexual behaviour, but also to all of her behaviour, including her movements and language. In any one of these areas, defiance by women translates into undermining male honour. The woman's body is considered to be the "repository of family honour". Alarmingly, the number of honour killings is on the rise as the perception of what constitutes honour and what damages it widens.

29. The concept of honour and its translation in different societies has brought about many forms of violence against women. It could be direct violence or indirect violence. In Sindh, Pakistan it takes the form of Karo-Kari killings. Karo literally means a "black man" and a Kari means a "black woman". They are people who have brought "dishonour" to their families through various forms of behaviour. There is no other punishment for a Kari but death. They are more often ritualistically killed and hacked to pieces, usually with the explicit or implicit sanction of the community. In cities and towns, Karo-Kari killings usually take place by shooting, mostly in private, based more on individual decisions. A man's honour is only partly restored by killing the Kari. He must also kill the man allegedly involved. But, in reality, as it is the Kari who is first killed, the Karo hears of the killing and flees. In order to settle the issue, an agreement can be made if both the Karo and the man whose honour is defiled agree. But, justice is not sought by finding out the truth and punishing the culprit. It is done by restoring the balance through compensating for damage. The Karo has to pay compensation to the family of the Kari in order for his life to be spared. Not surprisingly, the compensation can be in the form of money or the transfer of a woman or both.

30. Fake honour killings are often committed in order to get compensation or conceal other crimes. Men murder other men for reasons which are not connected with honour issues and then kill a woman of their own family as alleged Kari to camouflage the initial murder as an honour killing. This leads to further perversion of the honour system. If a woman refuses to marry a man, he may declare a man of her family as Karo and demand her in compensation for not killing him. He may even go as far as killing a woman in his family to lend weight to his allegation.[6] Not surprisingly, Karis remain dishonoured even after death. Their dead bodies are thrown in rivers or buried in special hidden Kari graves, whereas Karos are reportedly buried in the communal graveyards.

31. Another form of violence that is inflicted on women because of honour comes as a result of *satta-watta* or *addo baddo* marriage as they are known in Pakistan or *Berdel* as they are referred to in Turkey. This is a tradition in which siblings in one family are married to siblings in another. As it involves the exchange of unmarried girls between families for a smaller dowry, it puts an additional burden on women to abide by their father's marriage arrangements. If one of the couples married in this way decides to divorce, the other couple has to separate as well.[7]

32. Women who escape honour killings are often in a terrible situation, living in constant fear of their lives. Their right to liberty and movement is also restricted if they are endangered women. The predicament of women in the "golden cage" is another form of violence towards women. These are women who are being kept in jail in protective custody because their families have either vowed to kill them or have tried and failed to kill them. According to Jordanian law, a woman cannot be released from prison unless a male relative comes to sign for her. Since these women's male relatives rejected them in the first place, they are left to languish for years in jail. Some women even believe that they deserve such punishment. Some families sign a pledge not to harm the woman, but they kill her nevertheless.[8]

33. Many women resort to suicide for reasons of honour. This could be voluntary or involuntary suicide. They may commit suicide because of the social implications of dishonour to oneself or to one's family. They may also be invited to commit suicide by the family and, in most cases, they do commit suicide. Violence is not only directed at women who have dishonoured the family or community. Many human rights activists are also threatened as a result of their efforts to help victimized women.

34. Honour crimes are not confined to Muslim communities only. They occur in various parts of the world. In Brazil, men who kill their spouse after the wife's alleged adultery are able to obtain an acquittal based on the theory that the killing was justified to defend the man's "honour". Enormous pressure by women's groups resulted in the honour defence being removed from the books or judges' instructions to juries. However, juries continue to acquit men whom they feel have killed their wives for reasons of honour.

35. In many societies, wife murder cases (but not husband murder cases) soon came to be defended as crimes of passion. The emphasis in such cases was placed not on the nature of the crime itself, but on the degree to which the husband intended to commit it. The present Penal Code in Brazil explicitly states that, emotion or passion does not exclude criminal responsibility. In the past, defence lawyers devised the defence of honour as a new exculpatory strategy. This introduces the idea that the wife is the property of the husband and that honour is an aspect of self-defence. In Brazil, there have been contradictory decisions with regard to the honour defence.[9] One of the best-known cases dealing with the concept of the honour defence is the case of João Lopes. Lopes stabbed his wife and her lover to death after catching them together in a hotel room. The highest court of appeal in Brazil overturned the lower and appellate court decisions acquitting Lopes of the double homicide, stating that homicide on the grounds of defending one's honour was legitimate. When the case was retried, the jury again acquitted Lopes. Such honour defences, partial or complete, are found in the Penal Codes of Peru, Bangladesh, Argentina, Ecuador, Egypt, Guatemala, Iran, Israel, Jordan, Syria, Lebanon, Turkey, the West Bank and Venezuela. The attitude that a man has a right to kill when faced with adultery has not disappeared in Texas, in the United States, where, in October 1999,

Jimmy Watkins was sentenced to four months in prison for murdering his wife and wounding her long-time lover in front of their 10-year-old son. Analysis by some feminist scholars of the defence of "provocation" has shown that many wife murders have come within its ambit.

36. Many reasons have been put forward by the perpetrators for these honour killings. They range from supposed "illicit" relationships, to killing women for marrying men of their choice or for expressing a desire to choose a spouse. These are seen as major acts of defiance in a society where most marriages are arranged by the family. In addition, women are killed for divorcing abusive husbands or even if they are raped, as they are deemed to have brought shame on their family. Not surprisingly, men often go unpunished for such "crimes". Mere allegation is enough. The truth of the suspicion does not matter: what impacts on the man's honour is the public perception. Even if the perpetrator dreams up the woman's crime, it is enough that he perceived it to have taken place.

37. In a rare ruling, the Criminal Court of Amman, Jordan, sentenced two men to death for killing their 60-year-old next of kin to cleanse the family's honour. Although the family of the convicts dropped charges against them, the defendants did not benefit from a reduction in sentence because of the heinous nature of the crime. (Jordan Times, 23 April 1996). However, such cases are rare. In Pakistan, the case of Samia Sarwar is a case in point. Samia left her abusive husband and asked for a divorce. Her family threatened her. While in hiding she began an illicit relationship with a young soldier. Her parents finally said that they would negotiate a divorce and her mother, uncle and a stranger came to the offices of her lawyers. Within minutes the stranger opened fire killing Samia instantly. Despite the number of witnesses, despite the pressure brought by women's groups very little action has been taken against the family or the perpetrators. An attempt to outlaw honour killings was also stalled in the Pakistani Parliament. The refusal to prosecute crimes of honour remains one of the main concerns for everyone interested in issues relating to violence against women.

C. The pledging of girls for economic and cultural appeasement

38. The Devadasi system in India, where young girls are pledged for life to temples at an early age by their parents, is widely prevalent even today as a profession that has the sanction of religion and culture. The girls are pledged to a god or a goddess and become temple prostitutes. This is not always considered as a violation of human rights.[10]

39. Young children are initiated into the process of becoming Devadasis (sex workers or handmaidens of gods) even before they attain puberty. Economic compulsions and traditional beliefs are the two main reasons for the continuation of this practice. During famine, drought and epidemics, these young girls are married off to the priest to appease gods and goddesses. This bond forbids them to marry anyone else.

40. After a three-week-long dedication ceremony, the girl is given to her maternal uncle, who is likely to be the first among many abusers. Thereafter she leads a life of sexual slavery. Frequent pregnancies, abortions and deliveries render the majority of the Devadasi women physically weak and anaemic. Having multiple sexual partners they suffer from reproductive tract infections and sexually transmitted diseases.

41. The Deuki or the Devaki system in Nepal is related to the Devadasi system in India. In Nepal, girls are offered to deities either by their own families or by rich persons who buy a girl from her parents in order to be granted certain wishes or heavenly favours. She is then called a Deuki and engages in prostitution. There is a belief that sexual relations with a Deuki are auspicious. The girl often has no say in the transaction. Although the Children's Act in Nepal has forbidden this practice, it still continues in some parts of the country.

42. Trokosi or slaves of gods are found in Benin, Nigeria, Togo and Ghana.[11] Trokosi is part of a religious system in which a fetish priest mediates between the gods and the people. Young girls are enslaved to atone for the sins of a male relative. There is a belief that gods often punish a person's sin by causing the deaths of members of his family until the sin is pardoned. Until the early eighteenth century, livestock or other gifts were given to the priests in atonement. But, as girls could be used as domestic help as well as sexual partners, priests began taking young virgins as reparation instead. A girl is expected to serve a priest for a certain period, depending upon the severity of the crime and the policy of the shrine. The girl's family can redeem her after that period, but the priest demands a high price. If the priest dies, the girl becomes the property of his successor. But, if the girl dies without her family redeeming her, they are obligated to replace her with another virgin and thus the cycle can continue for generations. While enslaved, the women are forced to live in inhumane conditions. They are expected to work in the fields and the local market and also provide sexual services to the priests. They are beaten into submission if they resist. The Government of Ghana has denounced the Trokosi system and deemed the practice unacceptable. Although a law in Ghana was passed in June 1998 outlawing the practice, many women still remain enslaved.

43. Badi in Nepal is the caste practice of forcing young girls to become prostitutes. Such a system perpetuates trafficking and slavery of women and girls, even in modern times. The girls are often later sold into prostitution. The semi-nomadic caste of far western Nepal came from India and made their living by dancing, singing and entertaining the rich. Prostitution became the accepted form of income generation for the majority of Badi women. Discrimination reduces the Badi prostitutes' daughters' possibilities to have other occupations and often pushes them into prostitution. Some women are lured by the trafficker by promises of a job or a false marriage, or they are even kidnapped. In other cases, the trafficker directly approaches the parents and buys the girl from them.

44. Similarly, other practices such as *Kuzvarita* (pledging of girls for economic gain) or *Kuripa Ngozi* (appeasement of the spirits of a murdered person) violate women's human rights.

D. Witch hunting

45. Another cultural practice that is found mainly in Asian and African communities is witch hunting or witch burning. This practice is common in societies where there is a belief in superstition and the evil spirit. Sixteenth and seventeenth century England abounded with witches. Epileptic fits, illness and death were thought to be connected with witchcraft. Women branded as "witches" were tortured to confess. They were beaten and put on the racks and even burnt alive. The practice was brutal and directed against women.

46. The South African regions of Northern Transvaal and especially Venda report incidents of witch burning even today. The women branded as witches are stoned or beaten to death before being burnt. There is a belief that the body of the "witch" along with her magic paraphernalia must be completely destroyed to get rid of the effect of the "witch". While both men and women are accused of being witches, statistics show that women are twice as more likely to be so accused.[12] Although the Witchcraft Suppression Act helps people who are accused of being witches, many people who take violent action against "witches" are not prosecuted under the Act. There are many reasons why women are likely to be branded as witches. Jealousy has a big role to play in such accusations. This could be because of having more property, having healthier children or being better skilled at something. There is a saying in Venda that "all women are the same and all women are witches". It is believed that women have supernatural powers because of their ability to bear children. In some rural African societies no causal link is made between sexual intercourse and the conception of children. So, a woman falling pregnant can only be explained by supernatural occurrence. Like in some gypsy communities, women of Venda are considered impure because of their menstrual cycle. This concept is closely linked to the beliefs in witchcraft. Older women are more likely to be accused of being witches in Venda. Their inability to defend themselves and the physical appearance of old women often lend themselves to accusations of being witches. In Tanzania, an estimated 500 women are murdered every year and many others are harassed after being accused of witchcraft.[13] In Sierra Leone, if a woman giving birth to a child suffers from obstructed labour in spite of all magical and medicinal attempts, she is labelled a witch. She suffers rejection by her husband and by society. She is forced to confess her sin of having been the cause of all misfortunes that have befallen the community. Her death is believed to be a punishment for her crimes.[14]

47. In India, the West Bengal region reports many such incidents. When people suffer from illnesses, or if there is a lack of drinking water, or if there is a death in the family, or cattle die, or if there is a crop failure, or even if there is a natural calamity, the local magic doctor is approached. His orders are accepted unquestioningly. He usually declares a woman or women to be witches or "dayans" and suggests their elimination through death, to be rid of the evil spirit that is causing the problems. The magic doctor is paid a large sum of money for his services. In many cases, people who will inherit property by the death of the "witch" usually pay the magic doctor. Some people believe that the death will bring rewards in terms of property and some others truly believe in the evil spirit. The women declared to be witches are then killed or ostracized from the community. Most of the deaths are caused by stabbing, slugging or burning.

48. Nepal, too, reports cases of women being branded as witches. While different communities have different reasons for women being branded and killed as witches, some feminists argue that the entire concept of witches or witchcraft is a manifestation of a sexist, male-dominated society.[15] According to some scholars, the women who are accused of being witches are in most cases economically independent or without a male partner. In a male dominated society both factors are considered as potential threats.

E. Caste

49. In Bangalore, India when a social worker, who belonged to a low caste, prevented a child marriage, she was gang raped by five upper-caste men. They were acquitted after a three year trial because the judge ruled that they could not possibly have raped a lower-caste woman.[16]

50. According to a Human Rights Watch report[17] more than 250 million people worldwide suffer because of caste-based discrimination. It calls caste "a hidden apartheid of segregation", modern-day slavery. Caste is descent-based and hereditary. Exploitation and violence based on birth are found in many parts of the world. The most talked-about community are the Dalits or so-called untouchables of India. The Indian caste system, which is perhaps the world's longest surviving social hierarchy, is a feature of its social life. Corollaries to this caste system are found in other parts of South Asia, such as Nepal, Pakistan, Sri Lanka and Bangladesh.

51. Caste-based divisions of labour are central to several ethnic groups in many African countries. Burkina Faso, Senegal (Jaam), Nigeria (Osu), Burundi, Mali, Cameroon, Mauritania, Guinea, Guinea Bissau, Côte d'Ivoire, Sierra Leone, Gambia, Mauritius and Liberia are some of the countries in which marginalization because of social hierarchy is rampant. The Buraku or Eta of Japan are another group of people who are subject to exploitation and violence because of their birth into so called "unclean" communities. Caste differentiation is also perpetuated by the Asian and African diaspora.

52. Caste-based discrimination places culturally defined limits upon the individual in terms of mobility and interaction. Lower-caste people are excluded from villages and communities, which forces them to beg and scavenge in the streets. The upper castes have little or no interaction with lower-caste people in their day-to-day lives. The forms of discrimination vary according to each country and community, but are mostly exclusion from schools, religious sites and other public facilities, being forced to wear specific caste attire and to undertake specific occupations such as grave digging, sanitation jobs, manual scavenging and leather work, and being prevented from having physical interaction with so-called upper castes.

53. Lower-caste women often suffer double and triple discrimination because of their caste, class and gender. They face targeted violence, even rape and death, from State actors and powerful members of dominant castes, used to inflict political lessons and crush dissent within the community; or the women are used as pawns to capture their men folk. These women are gang raped, forced into prostitution, stripped, paraded around naked, made to eat excrement or even murdered for no crime of theirs. The hypocrisy of the caste system is revealed during these crimes, as "untouchability" does not operate then. The women also face discrimination through the payment of unequal wages, or work in slave-like conditions in bonded labour. They also face sexual discrimination in the workplace. Young girls are married off at an early age mainly as protection against sexual assault from upper-caste men.

54. There are formal protections in law, but discrimination persists.[18] Women suffer more because of their inability to access legal protection. Many women do not approach the police for fear of dishonour or that they will be dismissed or suffer further abuse.[19] Many Dalit women demanded that caste-based bias, atrocities and rape be recognized as racism at the World Conference against Racism in Durban, but were unfortunately not very successful.

F. Marriage

55. In many societies, young girls are prepared for marriage from a very early age. Girls are schooled from birth to be respectful, hardworking and self-sacrificing; respectful of their parents' wishes and choice of a groom; hardworking to ensure that the housework will be done and all other members of the family will be looked after; and self-sacrificing even to the extent of sacrificing their own lives.

56. Girls may be wed in some countries even before reaching puberty. There is great community pressure for daughters to be married at an early age. This could be because virginity is more readily guaranteed when the girl is younger. Also, the husband and his family can control a young girl more easily. This also gives a longer reproductive period for the girl to produce more children, or specifically more sons. Childhood or early marriages are disadvantageous for young girls for many reasons. As most girls are still receiving schooling when they are given in marriage, they have to curtail their education. If the marriage is patrilocal, the bride must go and live in her husband's house among strangers. She will have to submit to sex with an older man and her immature body must endure the dangers of repeated pregnancies and childbirth.

57. Forced marriages are a common occurrence in these societies. Relentless pressure and emotional blackmail are used by parents and relatives to force the young girl into an unwanted marriage. Their more extreme forms can involve threatening behaviour, abduction, imprisonment, physical violence, rape, and in some cases, murder. Forced marriages must be distinguished from arranged marriages, which operate successfully within many communities. According to the report of the Working Group on Forced Marriage,[20] a forced marriage is a marriage conducted without the valid consent of both parties, where duress is a factor. It is a violation of internationally recognized human rights standards and cannot be justified on religious or cultural grounds.[21] While both men and women experience forced marriages, it is primarily seen as an issue of violence against women. Marriages are forced upon young women for various reasons. Strengthening family links, protecting perceived cultural and religious ideals, preventing "unsuitable" relationships, protecting family honour and controlling female behaviour and sexuality are some of the reasons given by the Working Group on Forced Marriage. In some cases, if the woman or her family refuses a marriage proposal, the man or his family kidnaps the woman and attempts to formalize the marriage forcefully or rape her. They may also resort to character assassination by spreading rumours about her conduct. Acid attacks are another common act of violence against women when they spurn the advances or marriage proposal of a man. This practice is common in India and Bangladesh. In Sindh, to keep daughters in the paternal family, they are sometimes married to paternal cousins 10 to 20 years younger than themselves. The girl sometimes has to raise her would-be husband. If there are no such cousins the woman has to undergo the ceremony of *haq-baksh-wai*, which is marriage with the Quran.[22] In the same area, another custom, called *swara,* is practised whereby women are used as a commodity to settle disputes between tribes or clans. The receiving tribe can marry those women or keep them as sex slaves.[23]

58. The Penal Codes of Costa Rica, Ethiopia, Lebanon, Peru and Uruguay state that if a woman is raped and the perpetrator agrees to marry the victim, he will be pardoned.[24] Forcing the victim of rape to marry the perpetrator is common in many societies. The reason often given

is that it will protect the honour of the girl. Once she is raped, she becomes unmarriageable - an unthinkable condition in many societies. As a result "rape-marriages" are often entered into.

59. The actual sale of girls or women into marriage is not a common phenomenon but it still occurs. The notorious "mail-order bride" business, where women from developing countries are sold to "Western" men is just one example. Many women see this as a ticket to the developed West but the problem with such marriages is the high rate of abandonment. The majority of women involved at present are Filipinos, but there is a growing trade in women from Eastern Europe, Colombia and several South Asian countries.[25] The practice of Natha in India forces women to marry several times for the family to get money or property.

60. Dowries are gifts from the bride or her family to the husband and his family. In theory these gifts are given in a spirit of generosity, but this is often undermined by economic considerations. Many so-called dowry deaths occur when dowries are considered insufficient by the groom or his family. While dowries are mainly given in the Asian region, bride wealth is characteristic of Sub-Saharan Africa and involves the groom or his family giving gifts to the bride or her family. The abuse of such wives can ensue, as they are treated as commodities.

61. In many societies, women are subject to virginity tests on their marriage night. This customary practice degrades women and is a violation of their rights. Girls and women are expected to preserve both their physical virginity and their reputation for chastity. In Turkey, women are forced to undergo virginity examinations by their families and even the State for various reasons.[26]

62. During marriage, a wife may be treated like a slave. She is under the authority of the husband and she has to perform her "wifely duties" adequately if she does not want to be threatened physically and emotionally. In the majority of countries criminal law can be invoked for assault in marriage but not for rape. Most men believe that they have a right to sex whenever they like. While countries like Australia, New Zealand and the United Kingdom have changed the law with regard to marital rape to allow a husband to be prosecuted for raping his wife, this is not the norm. As most of these women are not allowed out of the house to earn an independent income, they cannot leave their marriages. International standards make clear that partners should have equal rights and responsibilities during marriage. However, in Iran, the husband is the head of the household according to civil law; a similar situation exists in Burkina Faso, the Dominican Republic, Gabon, Indonesia, Nigeria, Peru and the Philippines. In Burundi a woman is deemed inferior and her prestige depends on the amount of work she can do and the number of children she can bear.

63. Several other forms of threat or violence are used to ensure that women stay obedient within a marriage, for example the threat of the husband taking another wife or of divorce. In some countries polygamy is either legal or condoned. In others, bigamous marriages are conducted and when the truth comes out, the woman faces the wrath of the society even when she was unaware of the first marriage. *Mut'a* (temporary marriages) are conducted in Iran, where a man is entitled to take as many temporary wives as he can afford. In some societies the life of a divorced or abandoned wife can be even more painful and humiliating than the life she led when she was married. The stigma attached to a divorced woman keeps many women in

hostile marriages. Sometimes even the death of her husband does not end the violence. A widowed woman's life depends on her economic situation and the attitudes of her family, relatives and society. In Jordan, divorce is colloquially known as "throwing away"; in Nigeria a divorced or widowed woman is referred to as "bazawara", which means "a thing that has been used".

64. In some cultures in Africa, a widow is expected to continue to conceive children for her dead husband through sexual relations with his heir, usually a male relative such as a brother-in-law. Today, old customs such as *levirate* provide scope and justification for male relatives to abuse the widow mentally, physically and sexually in the name of tradition. Many widows and their daughters are seen as easy target for men because they have no male protector and are seen as "used" women. Mental and physical violence is inflicted by various traditions for widows, including limited and degrading dress codes, harmful and cruel diet codes, shaving of hair and limited participation in social events. In the most extreme of cases, according to the custom of *sati*, now outlawed in India, the bereaved widow is burnt on her husband's funeral pyre.

G. Discriminatory laws

65. During the Beijing Conference participating States made several commitments to repeal discriminatory laws against women.[27] However, even though in paragraph 232 (d) of the Platform for Action, the participating Governments agreed to "revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice", several laws continue to have discriminatory effects on women throughout the world.[28]

66. States have varying laws on the marital status of a woman. These regulations stipulate the legal age of marriage,[29] the legality of polygamy,[30] conditions for remarriage[31] and also unequal divorce rights[32] that have discriminatory effects on women. These provisions usually exist alongside constitutional guarantees of equality and non-discrimination.

67. Many discriminatory laws impinge upon the personal status of women. Women currently do not have the right to vote in Kuwait. Attempts to gain suffrage have been rejected by the National Assembly and women have recently initiated a court petition for review of the current status of the law. Some countries only define citizenship as passing through the male lineage. Countries with laws limiting citizenship in this way include Bangladesh, Kenya, Monaco and Venezuela. Until quite recently, the United States had a similar law, declared unconstitutional by the Supreme Court in September 1999.

68. Through various discriminatory statutory and constitutional regulations the economic status of women remains unequal. In many countries, inheritance laws remain linked to gender. Among the countries requiring male lineage for the inheritance of property or a male guardian for the exercise of joint custody of property are the Bahamas, Chile, most of the countries of sub-saharan Africa and Nepal as well as many indigenous groups and tribal groups around the world. In Uganda, women make up over 80 per cent of the agricultural labour force, but owing to a combination of customary law, Islamic law and statutory law only 7 per cent of women own land.[33]

69. In the area of family relations, many laws around the world, especially religious and customary laws, discriminate against women. Under some laws, consent to the marriage is given by a male guardian and not by the girl. Men are allowed to practise polygamy but women are not allowed to practise polyandry. Women are denied maintenance on divorce or inheritance on the death of the husband or father. They can be divorced unilaterally by their husbands and lose custody of their children after a certain age. Their administration of property may always require the husband's consent. In some countries so-called illegitimate children are denied any rights under the law and couples are denied the right to adopt them. In many countries girl children are married before they reach the age of 18. All these laws violate the Convention on the Elimination of all Forms of Discrimination against Women.

H. Son preference

70. Son preference, the preference of parents for male children, often manifests itself in neglect, deprivation or discriminatory treatment of girls to the detriment of their physical and mental health.[34] It is generally recognized to exist in most African and Asian countries, but varies in intensity and expression from one country to another.

71. In many regions of the world, entrenched patriarchal systems perpetuate bias and discrimination against females from the time they are conceived and even before they are born. But, economic considerations such as the traditional role of men with regard to agriculture and as property owners underlie this type of discrimination against women. This is seen in practices such as prenatal sex selection, female infanticide and gender differences in nutrition, health and education. While the phenomenon of son preference is a traditional practice that discriminates against women in most societies, female foeticide or infanticide are more prevalent in Asian than in African societies, where son preference is expressed mostly through health, nutritional and educational differences between the sexes.[35]

72. Many traditional practices are followed in order to avoid the birth of a daughter. Religious rituals such as prayer, fasting, and pilgrimages are believed to invoke a god to influence a child's sex. Traditional medicines and ceremonial rites are also commonly used to guarantee the sex of a child. But, now, with modern technology such as amniocentesis or sonograms, it is easier to determine the sex of the unborn child. This advancement of science and technology is exploited to select the sex of the child through aborting the unwanted child instead of merely monitoring the health of the foetus. Most often, it is the female foetus that is considered unwanted. UNICEF has provided the following statistics:

> A study of 10,000 abortions following gender tests by amniocentesis in Bombay, India revealed that 9,999 of the foetuses were female;
>
> A recent official survey in China revealed that 12 per cent of all female foetuses were aborted or otherwise unaccounted for, mainly the result of ultrasound screening throughout the country to determine the sex of unborn children;
>
> In one survey in Bangladesh, 96 per cent of women said that they wanted their next child to be a boy. Only 3 per cent wanted a girl.[36]

73. In India, where there is a strong societal preference for sons, many sex identification clinics have started up. Sex identification before birth was made unlawful many years ago but is commonly practised throughout India. It is argued that a girl will be a financial burden that will only increase as she grows. A modern saying in India, "Better 500 rupees now than 5,000 rupees later", compares the cost of sex selective technology and the future dowry.

74. In many cultures, the revulsion towards the birth of a daughter is so strong that female infanticide is accepted as a necessary evil. A baby girl may be deprived of food and water in the hope that she will die or she may even be killed. Such murders are often a part of a ritual. Scalding chicken broth poured down a newborn girl's throat is thought to increase the chance that the mother's next child will be a son.[37] In China, many families prefer that the one child they are allowed under the Sate one-child policy should be a son, for various reasons. Many baby girls are put in dying rooms and left to die without food or water. This wilful neglect of girls is common throughout their lives. Given the number of men in India and China at present, there should today be 30 million more women in India and 38 million more women in China than there are.[38]

75. Ceremonies and rituals, as on the occasion of the first haircut in north India or the disposal of the umbilical cord ceremony in Egypt almost always accompany the birth of a male child. These practices are rarely followed for the birth of a girl child. Their births not only go uncelebrated, but their lives are often undervalued. In Taiwan, daughters are commonly referred to by epithets such as "goods on which one loses" and "water spilled on the ground". In Arabic, the term *Abu-banat*, meaning the father of daughters, is an insult. In Uganda, when a girl is born, the family will announce it as the birth of a prostitute as she will be brought up to be married in exchange for cattle.[39] Parents and family members in certain areas of Pakistan use the phrase "May you die" as a term of endearment for their daughters. Such terms are never used with reference to a boy even as a joke.[40] These are some of the countless ways women learn how little they are valued.

76. Even if a girl child survives, she still has to face other discrimination. One such practice is the discrepancy in nutrition and health between girls and boys. UNICEF estimates that more than 1 million female babies die each year from malnutrition and abuse who would have lived if they were boys.[41] Many mothers stop breastfeeding a girl child early in order to try and get pregnant with a male. When a girl child is weaned earlier than recommended, she will not receive the nutrients necessary for her growth. The baby is also at great risk of infection because of malnutrition and the possible impurity of water and foods used in place of breast milk. If there are shortages of money and food, sons have priority treatment over the daughters. Daughters are trained to wait patiently while their father and brothers finish their meal, and eat what is remaining. Certain food restrictions also deny girls the necessary vitamins and calories. It is estimated that iron deficiency affects between 75 per cent and 96 per cent of girls over 15 in Africa and up to 70 per cent of girls between 6 and 14 years of age in India.[42] Many girls remain malnourished as teenagers and this has a crucial effect on their health as an adult. They also have unequal access to medical care.

77. Traditionally, females are not taken to hospital or to other medical providers until their illness reaches a critical stage. They are more often treated at home or taken to a traditional healer. More boys are immunized and treated by hospitals than girls and that girls between the

ages of two and five years have higher death rates than boys in many developing countries. A boy is more carefully taken care of to ensure that he will grow into a strong man to provide for the family.

78. Discrimination in education is another manifestation of son preference. Education incurs a cost. Parents who are unable to pay for the education of all their children will most often prefer to send their sons to school or university. Girls are kept at home to look after the house or other younger siblings. It is thought that boys need a better education to look after their families when they grow up. In societies where girls are married off at a young age, they are withdrawn from school even primary school. Those girls who are enrolled in school face discrimination there when teachers pay less attention to them. They also may not have enough time to concentrate on their studies because of their responsibilities when they come home. Girls are not expected to do well and that message is sent clearly to young girls. It is estimated that more than two thirds of illiterate people throughout the world are women.

79. Son preference not only has discriminatory and violent results for girls but also for their mothers. A woman is more likely to be made pregnant more times when she produces a girl child, thus risking her own health as well as that of her unborn child. She will also be forced to keep on producing until a male child is born.

80. There are various cultural, religious and economic reasons for the above-mentioned practices. In many societies, male children carry on the family lineage. The birth of a son is eagerly awaited in order to preserve the family name. There are instances where the husband will marry a second wife to ensure the birth of a son. Among many communities in Asia and Africa, men perform most religious ceremonies and sons perform burial rites for parents. Parents with no male children do not expect to have appropriate burials, which secure their peace in the next world. In agricultural societies, the need for a strong labour force is a factor which perpetuates son preference. The deprived economic status of women and the low esteem attached to women's economic contribution result in the preference for sons.

81. This is illustrated in a saying common in societies where son preference is prevalent: "To have a son is good economics and good politics, whereas bringing up a girl is like watering the neighbour's garden".

I. Restrictive practices

82. In many cultures, women are prevented from doing certain things merely because they are women. Various cultural practices restrict women's movement because of their gender.

83. Foot binding was an ancient custom in China, lasting from the tenth century until the twentieth century. This tradition involved tight, painful binding of the feet and toes with bandages to keep the feet as small as three inches. It was initially practised by the rich, but it quickly spread to poor families too. It was a status symbol to have daughters with tiny feet and they were considered more suitable for marriage as "lotus feet" confined girls to the house and thus ensured their virginity. It was partly powered by a sexual fetish. This process took several painful years and often caused infection, gangrene and even death. Most women became totally dependent on male relatives, thus reinforcing their subordinate position in life. Many laws were

passed to eliminate this practice but until the role of women in society changed, the practice remained. The efforts of the Government of China since the 1940s, with strong punishments for those who engaged in foot binding has resulted in the eradication of the practice.

84. Certain societies treat women as second-class citizens by placing conditions on their right of movement. This is done through a requirement of obedience to the husband or by providing male guardians. The Yemen Personal Status Act No. 20 of 1992 not only states that the wife should obey the husband, but also that she must move in with him to the conjugal home, permit him to have licit intercourse with her and not leave the home without his permission.[43] In Saudi Arabia women are not allowed to drive vehicles or to travel without a male companion. Article 32 of the 1992 Code of Marriage and Guardianship of Mali, states that the wife must obey her spouse. Algeria, Morocco and the Sudan have similar legal provisions. Laws requiring female obedience or subservience are often key to making women dependent on men and tied to abusive relationships.

85. In some cultures, menstruation is considered a polluting event. Women are isolated in outhouses at this time of menstrual cycle and not allowed to come into the main house or mingle with people. They are also restricted from eating certain kinds of food. They are considered unclean to perform religious or other practices during menstruation and are not allowed in public places.

86. In many countries it is considered immoral and indecent for women to appear in public without a head covering or without a prescribed dress.[44] In Morocco, women wear heavy grey veils and tight white gags over their mouths when they leave the house. In the Sudan, the fundamentalist military regime adopted public laws that require women to wear loose long dresses and cover their heads or be subjected to penalties that range from the amputation of their hands and feet to stoning to death. The Taliban regime, when it was governing Afghanistan, imposed *hijaab* and the *burqua* or the modest dress code in its strictest form and any violations of this regulation were harshly reprimanded. In Iran, women are compelled to wear the *chador* when they go out.

87. Be they the imposition of the *chador*[45] or of purdah, or of the *burqua*,[46] these dress codes or modesty codes are supposedly prescribed so as to desexualize women and thus protect them from violence. They are also to ensure that women's chastity is preserved so that they do not arouse the desire of men other than their husbands. However, in actual fact, they restrict women's movement and their right to expression. Health hazards connected to these garments are also common. Such dresses may cause asthma, high blood pressure, hearing or sight problems, skin rashes, hair loss and a general decline in mental condition. Men of course rarely have dress codes and dress requirements except under the Taliban regime.

88. For some women, however, these dress codes can also be liberating, depending on the context and on the political situation. For example, the veil was a powerful symbol against "Western" imperialism during the overthrow of the Shah in Iran.[47] Many women choose to conform to dress codes as a mark of their identity. The recent expulsion of the three Muslim schoolgirls from a school in France, and an Egyptian girl from a French school in Alexandria for wearing the headscarf denied the girls their right to their culture and the right to education. As

long as the choice of dress is made with the wearer's full consent, the rights of individuals are not compromised. However, if dress codes are forced on women and if punishment is meted out for not wearing very cumbersome attire, their rights of choice and expression are clearly denied.

J. Practices that violate women's reproductive rights

89. In the past, the protection of women's reproductive rights has not been a high priority among national or international bodies. Historically, the main duty of women was to bear men's children, preferably sons. The health issues connected with this process went unnoticed. The consequences of early, frequent and excessive childbearing were explained by fate, destiny and divine will rather than as the results of oppressive cultural and social practices and governmental neglect of reproductive health services.[48] As explained by Mahler, "The cause of maternal death often has some of its roots in a woman's life before the pregnancy. It may lie in infancy, or even before her birth, when deficiencies of calcium, vitamin D or iron begin. Continued throughout childhood and adolescence, these faults may result in a contracted pelvis and eventually in death from obstructed labour and often in chronic iron-deficiency anaemia from haemorrhage. The train of negative factors goes on throughout the woman's life: the special risk of adolescent pregnancy; the maternal depletion from pregnancy too closely spaced; the burdens of heavy physical labour in the reproductive period; the renewed high risk of childbearing after 35 and worse after 40; the compounding risk of grand multiparity; and running through all this the ghastly dangers of illegal abortion to which sheer desperation may drive her. All these are links in a chain from which only the grave or menopause offer hope of escape."[49]

90. There are various cultural practices unique to different parts of the world which are harmful for women and their reproductive systems. A violation of women's reproductive rights is violence against women. Lack of control over their sexual and reproductive lives and poor quality reproductive health care result in the violation of women's human rights.

91. A woman's ability to bear children is linked to the continuity of families, clans and social groups. This has been the object of regulation by families, religious institutions and governmental authorities. The ability to bear children may be advantageous because it gives a woman emotional satisfaction, but it can also be an oppression, a barrier or even an obstacle. Therefore, her control over her fertility is critical. In some societies women have virtually no say in the matter of postponing childbearing or having a child immediately after marriage. There is a great deal of pressure to produce a child within a reasonable time, but to become pregnant too soon is also scorned by the elders. While women are used as child producers, their reproductive cycle is not given much attention.

92. In Nigeria, a quarter of all women are married by the age of 14, one half by the age of 16 and three quarters by the age of 18. In Botswana, 28 per cent of women who have ever been pregnant were pregnant before reaching the age of 18. In Jamaica, one third of all births are to adolescent mothers, while in Peru, Colombia and El Salvador 13 or 14 per cent of young women aged between 15 and 19 are already mothers.[50] As a result of these teenage pregnancies, they tend to suffer various medical complications. It is estimated that without obstetric care, women who give birth before they reach the age of 18 are three times as likely to die in childbirth as are

women aged 20-29 in similar circumstances.[51] When a woman marries at a young age, she is likely to have more children, as her reproductive period is longer. This will result in adverse effects on her health, such as malnutrition.

93. In some parts of the world, women use herbal and other agents on the vagina to cause dryness, heat and tightness. They believe that men prefer "dry sex" in which women feel like virgins and because they think that female secretions are unclean. These substances can cause inflammation and erosion of the vaginal mucosa.[52] In some African countries and Indian states it is believed that having sex with a virgin can cure men who suffer from a sexually transmitted disease.[53] Certain dietary restrictions during pregnancy can harm both the woman and the child. In Sierra Leone, the pregnant women is advised to refrain from eating eggs and chicken as they are believed to cause frequent stools in babies, and also fish as it will result in mucus in babies. Such restrictions prevent the pregnant woman from getting essential proteins and vitamins. In some communities in Guatemala, the mother is given better care if she gives birth to a baby boy.[54] Certain activities are also deemed inauspicious. Standing at the doorway while pregnant is believed to cause obstructed labour and putting hands on the head to cause difficult or prolonged labour.[55]

94. In many countries there are no trained birth attendants. The traditional birth attendants are untrained and base their practices on various cultural beliefs, like evil spirits and supernatural powers. Various practices during child delivery cause harm to the mothers. Pressing the abdomen to force the baby out, pulling the baby out by force, giving a very hot bath to the delivering mother or even inserting certain herbs into the woman's vagina to accelerate the birth and isolating mothers who have just given birth are some of these practices. In the Southern Highland province of Papua New Guinea, women are expected to give birth unattended. It is believed that a woman's blood is a source of contamination, leading to illness and death.[56]

95. The fundamental dignity of women as human beings requires that they should not simply be regarded as child bearers and rearers but as complete individuals who are entitled to rule their own lives. The inability to control the very functions that differentiate women biologically from men is in itself a violation of human rights.

K. Beauty

96. In many societies, the desire for beauty has often affected women in diverse ways. In the "Western" world in the twenty-first century the beauty myth that a thin female physique is the only accepted shape is imposed on women by the media via magazines, advertising and television. This message is sent to young impressionable girls who strive to attain this perfect image without realizing that this image is often unrealistic. Advertisements continue to portray women in their traditional roles or as bodies to sell a product. This culture of impractical ideals results in many practices that cause a great deal of abuse to the female body. Cosmetic surgery of every part of the female body has led to health problems and complications for many women. In addition, eating disorders due to unhealthy food habits has also raised a great deal of concern in the Western world. Girls and women are disproportionately affected by eating disorders and cultural demands for thinness in the Western world. It is estimated that only 5 to 10 per cent of people with eating disorders are male.[57]

L. Incest

97. In many parts of the world, incest is culturally tolerated. Many countries do not list incest as a crime in their penal code. The form incest takes varies from forced masturbation, to sexualized beatings, touching of genitals, fellatio, cunnilingus and rape. Fathers, brothers, stepfathers, uncles, cousins and even grandfathers mostly engage in these practices. Women commit incest more rarely, but the number may be larger than realized. There are cases of parents or guardians inviting neighbours to commit incest or instances where the guardian knows of these crimes but turns a blind eye. Incest is practised by certain cults, like the Hindu Sakti sect in India, in the belief that it is a higher grade of sexual intercourse and an advanced step towards religion. In an endogamous Indian group called Baiga, incestuous marriage is practised.[58] The victims are mostly females. Many of the survivors of incestuous practices suffer from various psychological and physical disorders.[59] One of the main problems is the enormous emotional difficulty in reporting these crimes, especially in the face of disbelief and lack of punishment for the perpetrator.[60]

III. IDEOLOGIES THAT PERPETUATE CULTURAL PRACTICES THAT ARE VIOLENT TOWARDS WOMEN

98. Violence against women in the family in the name of culture is often sanctioned by dominant ideologies and structures within societies. These ideologies and structures emerged in a different era but continue to dominate public opinion and individual lifestyles, thus preventing the eradication of practices that are harmful to women.

A. The regulation of female sexuality

99. Many of the cultural practices discussed above are often based on a society's belief that the freedom of a woman, especially with regard to her sexual identity should be curtailed and regulated. Many scholars have pointed out that fear of female sexuality and its expression is responsible for many of the legal regimes that operate in the cultural sphere. Though the regulation of sexuality insofar as it affects the rights and responsibilities of others is a legitimate activity, the Cairo Programme of Action of the International Conference on Population and Development and the Beijing Declaration adopted by the Fourth World Conference on Women clearly state that individual women have the right "to a safe and satisfying sex life". This recognition of women as sexual beings is the culmination of many years of work by women doctors and activists in the area of reproductive health. Nevertheless, many cultural practices deny women these rights and ensure that women who transgress societal norms are punished severely.

100. In many cases, female sexuality is regulated by physical violence and force. Honour killings, described above, are the most obvious examples. Women who fall in love, commit adultery, request divorce, or choose their own husbands are seen as transgressors of the boundaries of appropriate sexual behaviour. As a result, they are subject to direct violence of the most horrific kind. The killing of women with impunity for these transgressions is perhaps the most overt example of the brutal control of female sexuality.

101. There are other areas where female sexuality is regulated by force. Most countries do not recognize marital rape as a crime, therefore sanctioning a certain measure of violence by the husband against the wife in the home. In a recent case in Mexico, the Mexican Supreme Court held that a husband's rape of his wife was not really rape, as marriage was legally premised on a permanent right of access to conjugal relations.[61] The limitation of women's sexual rights within marriage has often led to a great deal of abuse in the family. It is only recently and only in a few jurisdictions that marital rape is being recognized as a violent crime.

102. Women who transgress the boundaries of appropriate sexual behaviour, even in countries where honour killings do not take place, are often subject to violence. The notion of crimes of passion or provocation has often been used to justify murder of women who engage in sexual activity outside marriage. In addition, non-heterosexual orientations are also punished severely. Recently, in Zimbabwe, a young lesbian woman was locked up by her family and forced to submit to rape by an older man to "correct" her orientation. She was raped until she became pregnant.[62]

103. Child marriage, forced marriage and incest are additional forms of direct abuse that regulate female sexuality. Ignoring women and young girls as individuals capable of making choices about their lives, these practices subject many women to unwanted sex and rape, thus destroying their lives and their life potential.

104. Besides the overt use of force such as in the cases outlined above, female sexuality is regulated in more subtle ways by threats of force or the withdrawal of family benefits and protection. Women who fall in love with men of a different ethnic group, class or community are often subject to this kind of pressure to ensure that their behaviour conforms to the norms of the family. In these contexts, women's right to control their own lives counts for little, as do girls' and women's claims to liberty or freedom of expression, association, movement and bodily integrity. For example, the case of a 12-year-old Roma girl who was raped by a neighbour and then forced by her family to marry him is an example of the power of families to make girls and women conform.[63] The remedy of marrying the rapist is a common one and found in many jurisdictions. In such cases, the family's honour is violated and the family negotiates a compromise with the offender.

B. Masculinity and violence

105. In recent times, anthropologists and scholars have pointed out that, in certain contexts and in certain societies, being "masculine" in an ideal sense involves a tolerance of violence.[64] In many societies, the ideal of heroic masculinity requires acceptance of the notion of honour and the violent regulation of female sexuality. In fact, notions of masculinity are integrally linked to policing the behaviour of women. Heroic men in these societies use violence as a means of furthering justice and the social good, but they also use violence to ensure that women behave and are subordinate to their will.

106. These constructions of masculinity are present even within the family relationship. The deflowering of the virgin ceremony in many societies is an example of how masculinity, violence and the sexuality of women are symbolically constructed. The wedding night defloweration involves the married couple being taken to a room in the house. The relatives,

both male and female, wait in anticipation. Once the sexual act is consummated, the woman must bleed and this blood must be displayed to the rest of the family to prove that the woman was a virgin and that the man was not impotent. The display of the stained sheet becomes the cause of great celebrations. This public spectacle of a private moment perhaps illustrates the underlying assumptions that animate relationships between men and women in some societies.[65]

107. The heroic male personality whose masculinity is close to violence is not only the traditional man from Mediterranean and Middle Eastern societies that believe in honour. Recent studies show that this is often the dominant paradigm in the United States, for example, as reflected in popular culture. It is often manifested in the legacy of the "cowboy" and is often reflected in the modern cinema.[66] Outrage, anger and the use of violence as a legitimate means of resolving conflict is prevalent in many of the films that are made in most parts of the world.

108. It is true that not all constructions of masculinity are violent. There is also the powerful moral ideal of the self-restrained, disciplined, superior man of the Enlightenment, whose links with violence are far more nuanced, or the alternative models of masculinity that have emerged since the growth of the recent women's movement. However, unless there is public education and campaigns to try and counter the negative images of violent men as ideals for a society, the heroic male stereotype in many societies may still be the one carrying the gun. Such an ideal has serious consequences for women.

IV. STATE RESPONSIBILITY

109. In the past, States have been reluctant to intervene with regard to cultural practices in the family, often stating that this is a "private" matter and the State has no obligation in the domain of the "domestic". Throughout the world, domestic violence has rarely been prosecuted because of this private/public differentiation. However, since the 1980s, international standards have emerged that are very clear on the matter of domestic violence and the duties of States to eradicate violence in the family.

110. The Declaration on the Elimination of Violence against Women states clearly:

> "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women."[67]

The Declaration goes on to say that States should "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private actors".[68]

111. The Declaration also specifies the type of action a State should take to eliminate violence in the home: it must develop appropriate penal legislation; it must consider developing national plans of action to eliminate violence against women; in the light of the available resources it must provide social services for women victims of violence; it must take measures to ensure that public officials entrusted with implementing the laws have adequate training to sensitize them to the needs of women, and it must ensure that adequate resources are set aside in the government

budget to combat violence in the family. All these provisions are also contained in general recommendation 19 of the Committee on the Elimination of Discrimination against Women, where the legal obligation of State parties to the Convention on the Elimination of All Forms of Discrimination against Women is spelled out with regard to violence against women. Both these documents make it clear that, at the beginning of the twenty-first century, the action of State parties may be measured against international standards that clearly articulate a strategy for the elimination of violence against women in the family. By arguing that custom, tradition and religion cannot be invoked by State parties to defend violence against women in the family, international standards reject the cultural relativist argument that cultural practices that are violent towards women in the family should be shielded from international scrutiny.

112. It is often argued that the human rights approach, with its emphasis on law and punishment, may not be very productive in fighting violence against women on the ground. Many activists feel that the emphasis should be placed on education and health strategies that combat attitudes over the long term. However, history does have examples of how strong and effective laws have eliminated certain practices within a matter of years. In India, the enactment of the Special Act of 1870 eradicated the practice of female infanticide in the North West provinces. The Government in power criminalized the practice, monitored pregnancies and put parents in jail who engaged in the practice. By 1906, the Government withdrew the legislation because it was so effective. In China, the post-war regimes eradicated practices such as foot binding with the same determination. The existence of a criminal sanction ensures that parents have an excuse to spare their child such a practice. The law allows parents a way to avoid giving in to social pressure and custom. Without such a law, it is difficult to eradicate a practice in a generation.

113. However, there is no doubt that health and education strategies are extremely important for long-term change and the development of a community. A great deal of emphasis should be placed on such programmes in cooperation with local women's groups working for the eradication of harmful practices. The involvement of local women's groups and civil society in the movement to eradicate harmful practices is the only guarantee that the practice will not re-emerge in the future.

114. Many countries have developed interesting strategies to deal with cultural practices in the family that are violent towards women. Women's groups are developing innovative ways to challenge the use of tradition as a rationale for continued violence. Various projects demonstrate how women's groups work with the legislature, religious and other leaders, families and communities to change attitudes and practices. These projects involve conventional methods, such as legal action, legal changes and awareness-raising events, as well as unconventional activities. Family by family, community by community, these projects are building respect for the lives of women and girls and an understanding that gender-based violations are not integral to any tradition or culture.

115. One of the major developments in the legal field has been the reform of the Civil Code in Turkey, for which the women's movement has been lobbying for many years. The amended Civil Code abolishes the supremacy of men in marriage and allows women to have a say in all matters relating to the marriage, thus establishing the equality of men and women in the family.[69] Information provided to the Special Rapporteur by the Government of Denmark indicates that

the Danish Alien Act was amended in 2000 to prevent people from being forced into a marriage. The Government of Denmark has further taken steps to secure the immigration status of women brought to Denmark for the purpose of marriage, if these women leave their husbands because of family related violence. It is not only important to amend existing laws, it is also necessary to pass new laws, such as the law banning FGM in government hospitals in Egypt. Legal action in the courts is another area that has been developed to deal with gender-based violence. One such interesting case comes from Kenya, where two teenaged daughters obtained a court injunction restraining their father from forcing them to undergo FGM.

116. Legal measures are not enough if people are not educated about the social ills of harmful traditional practices. Awareness-raising activities are important to educate the community. In Tajikistan, a local NGO, Ghamkhori, is involved in combating violence against women through education.[70] Various social issues, such as reproductive health, human rights, gender relations and domestic violence are taught and discussed through role-playing, games, questions-and-answers, small group work, illustrated cards/posters, participative rural appraisal techniques and open-ended stories. These projects also train local religious leaders, medical personnel, police personnel and schoolteachers, as well as providing services such as women's centres and basic gynaecological services. The involvement of males in these programmes is common and necessary because they are termed the decision makers of the communities. In Denmark, the Ministry of Health has started an information campaign concerning FGM. The aim of the campaign is to prevent FGM of girls living in Denmark and to inform teachers, social workers and health care personnel about this subject.

117. The media too have an important role to play in providing information. But this information could be adverse to the women's rights agenda if it is not properly monitored. Media campaigns can backfire on occasion if they sensationalize the issues or if they only publish hostile reports and personal attacks about the concerned activists and lawyers. The Nepali organization Sancharika Samuha (Women Communicators Forum) has conducted various activities on media advocacy and gender and equality, through gender training, media monitoring, publications and talk programmes.[71]

118. Other creative ways have been used to invoke a sense of compassion and commitment to protecting women's human rights. One such success has been the alternative rites of passage project in Kenya.[72] It is a community initiative that supports the ritual coming of age ceremony without the practice of FGM. A new rite known as "Circumcision through words" has replaced FGM itself. The process includes a week-long programme of counselling and celebration. The participants are taught about their role as women, parents and adults and they are also educated in areas such as personal health, reproductive issues, hygiene, communication skills, self-esteem and peer pressure. While doing away with the dangerous practice, it captures the cultural significance of FGM. Such alternative rites have now spread to other countries like Guinea-Bissau and Gambia.

119. While torture-like practices that involve severe pain and suffering must be combated by the force of law and intensive programmes with regard to health and education, most countries are reluctant to adopt such a draconian approach towards religious and customary laws relating to the family. Since these laws are said to reflect deeply held values, many activists have felt that a different approach is necessary. State parties to the Convention on the Elimination of All

Forms of Discrimination against Women are under a definite obligation to bring their laws into consonance with international standards. This requires equality between the sexes within the family and freedom of autonomy for the partners. However, countries like South Africa have attempted to preserve the diversity of cultural practices by allowing for customary law while ensuring that certain minimum core rights are granted to women. In addition, couples are given the option on their wedding day of choosing customary law or a law that is inspired by documents like the Convention. This type of approach allows for women's rights to be safeguarded without completely overhauling the system of customary and personal laws that are often used as "flags of identity" by certain communities. States are under the obligation to prevent discrimination against women, but the approach towards eradicating that discrimination can vary depending on the realities of a given society.

V. RECOMMENDATIONS

A. At the international level

120. State parties should sign the Convention on the Elimination of All Forms of Discrimination against Women without reservation so as to ensure a commitment towards international standards of equality between the sexes.

121. State parties should refer to the Declaration on the Elimination of Violence against Women to provide effective guidelines for the eradication of violence against women in the family.

122. International and donor agencies should play an intensive and activist role in helping to eradicate torture-like cultural practices that cause severe pain and suffering to the victim.

B. At the national level

123. States should not invoke any custom, tradition or religious consideration to avoid their obligation to eradicate violence against women and the girl child in the family.

124. States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether these acts are perpetrated by the State or by private actors.

125. States should develop penal, civil and administrative sanctions in domestic legislation to punish violence in the family and to provide redress to women victims, even if the violence is associated with a cultural practice. The penal sanction should be strong and effective and not merely on paper.

126. States should develop national plans of action to eradicate violence in the family, particularly violence related to cultural practices through health and education programmes at the grass-roots level.

127. States should develop social services and provide shelters aimed at helping women victims of violence in the family to escape from human rights violations.

128. States should train all public officials in the administration of justice, education and health sectors to be sensitive and energetic with regard to issues relating to violence against women.

129. States should adopt all appropriate measures in the field of education to modify the social and cultural patterns of conduct that foster cultural practices in the family that are violent towards women.

130. States should collect data and statistics on the pervasiveness of cultural practices that are violent towards women, so as to ensure the development of appropriate strategies for their eradication.

131. States should include the measures they have taken to combat cultural practices that are violent towards women in their reports under relevant human rights instruments.

132. States should recognize the important role that women's groups and women's organizations play in the eradication of cultural practices that are violent towards women and give them all necessary support and encouragement.

Notes

[1] The Special Rapporteur would like to thank, and acknowledge the briefing papers prepared for this report by Ms. Saama Rajakaruna, Ms. Susana T. Fried and Ms. Alice M. Miller.

[2] A Malian woman was recently jailed for eight years for circumcising 48 girls, following a trial in Paris. (BBC Online Network, 17 February 1999).

[3] 10 February 1998. The Human Rights Information Network (HURINET).

[4] In the United Kingdom, in May 1999, the Nottingham Crown Court sentenced a Pakistani woman and her grown-up son to life imprisonment for murdering the woman's daughter, Rukhsana Naz, a pregnant mother of two children. Rukhsana was perceived to have brought shame on the family by having a sexual relationship outside marriage. Her brother reportedly strangled Rukhsana, while her mother held her down. (Amnesty International, "Pakistan: honour killings of girls and women" ASA/33/18/99, September 1999, p. 4). There is also the case of Zena Briggs who had married an English man in spite of her parents' decision to marry her to a cousin in Pakistan. To this day, a death sentence is hanging over the couple as Zena's parents have employed people to kill them (Amnesty International, "Pakistan: Violence against women in the name of honour" ASA/33/17/99, September 1999, p. 8).

[5] In the English language, honour means high esteem, respect, recognition, distinction, privilege, reputation or a woman's chastity or purity.

[6] The case of Amanullah illustrates this point. Amanullah married a woman who had earlier been fond of her cousin Nazir, a married man with eight children. As Nazir was unable to obtain

consent from her family to marry her, Nazir murdered Amanullah and then killed his own innocent sister and declared the two of them as Karo and Kari. After a brief prison term, Nazir was given Amanullah's wife in compensation for the supposed infringement of his honour. (Amnesty International, "Pakistan: Honour killings of girls and women" ASA/33/18/99, September 1999, p. 9)

[7] In the case of Shaheen, her husband allegedly set her on fire in December 1998 in a Satta-watta context. Their marriage had run into trouble and Anwar, her husband, wanted to send her home. But, Shaheen's brother, married to Anwar's sister, refused to send his wife home as well. Anwar found no other way to remove his shame than to kill his wife. (Amnesty International, "Pakistan: Honour killings of girls and women" ASA/33/18/99, September 1999, p. 6).

[8] Sirhan, a 35-year-old Jordanian is proud of having killed his sister by shooting her four times in the head. Her crime was to report to the police that she had been raped. Sirhan signed a pledge not to harm her. According to him, his sister committed a mistake, even if it was against her will. He considers it better to have one person die than to have the whole family die from shame. Sirhan served only six months in jail. (Information submitted to the Special Rapporteur by L.Beyer).

[9] A couple were married for 16 years and all was well until the wife got a job and started to come home late and refused to "pay her conjugal debt". The husband killed her and was acquitted on the legitimate defence of honour. The decision was upheld on appeal. (Information submitted to the Special Rapporteur by P.Turgut).

[10] "The Devadasis of Kudithini village: victims of a denigrated culture", Groots Newsletter, Working Women's Forum 1998, at www.ashanet.org/library/articles/devadasis.199812.html

[11] "The Trokosi: religious slavery in Ghana" by Obenewa Amponsah at www.anti-slavery.org/global/ghana/

[12] A. de. V. Minnaar, D. Offringa, C. Payze,To Live in Fear: Witchburning and Medicine Murder in Venda, Human Sciences Research Council, 1992.

[13] Submission by HelpAge International to the Special Rapporteur, September 2001.

[14] Study on traditional practices affecting the health of women and children, final report by the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzaz, July 1991, (E/CN.4/Sub.2/1991/6).

[15] Suchitra Choudhury, "The woman as witch", The Statesman, 7 November 1993.

[16] www.womensenews.org/article.cfm/dyn/aid/448/context/archive

[17] *Caste Discrimination: A Global Concern.* A report by Human Rights Watch for the United Nations World conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban South Africa, September 2001, August 2001

[18] The Buraku system was abolished in 1871 by the British. In independent India it was constitutionally abolished in 1950. Even though the constitution prohibits discrimination on the basis of caste in Nepal there is an exception for Hindu religious practices.

[19] "India: violence against women - a double discrimination", Amnesty International, ASA 20/029/2001.

[20] Published by the (United Kingdom) Home Office Communications Directorate, June 2000.

[21] See Universal Declaration of Human Rights, article 16; Convention on the Elimination of All Forms of Discrimination against Women, article 16; General Recommendation No. 21 of the Committee on the Elimination of Discrimination against Women.

[22] The Review, 4 - 10 March, 1999.

[23] The concept that a woman could be enslaved as a wife was internationally recognized in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

[24] www.equalitynow.org/beijing_plus5_violence_eng.html

[25] Taylor, D. Servile Marriages: Institutionalised Slavery, Anti-Slavery Report 1994,

[26] *A Matter of Power: State Control of Women's Virginity in Turkey*, Human Rights Watch, vol 6, No 7, June 1994

[27] Report of the Fourth World Conference on Women, Beijing, annex 1, resolution 1, 1995 United Nations Publication, Sales No. E.96.IV.13.

[28] "Words and deeds: holding Governments accountable in the Beijing + 5 review process" at www.equalitynow.org/action_eng_16_4.html.

[29] The legal age of consent for marriage is different for men and women and is usually lower for women. This is the case in countries like Colombia, Japan, Mexico and Turkey.

[30] Article 7 of the Mali 1992 Code of Marriage and Guardianship allows men to opt for polygamy. They can also do so in Algeria and Tanzania.

[31] Article 158 of the Mexican Civil Code provides that a woman cannot remarry until 300 days after the dissolution of the marriage.

[32] In Israel, the divorce of Jews is decided by rabbinical courts. In the case of Plonit v Plonit the High Rabbinic Court in 1995 and the Supreme Court in 1997 upheld the decision that divorce is granted entirely on the decision whether the man wants it.

[33] Equality Now, "Uganda: exclusion of women from land ownership - the lost cause", Women's Action, August 2000 at www.equalitynow.org/action_eng_17_1.html

[34] Report of the Working Group on Traditional Practices affecting the Health of Women and Children to the Commission on Human Rights at its forty-second session in 1986 (E/CN.4/1986/42), para. 143.

[35] Preliminary report of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi,, on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1995/6).

[36] Overview of UNICEF activities relating to violence against women and children within the framework of the Convention on the Rights of the Child; correspondence with the Special Rapporteur.

[37] A Johnston, S. R. Burnett and S. C. Bott, Toward the 21st Century, The Population Institute, No. 1, 1995.

[38] Roxanne Carillo, Battered Dreams: Violence against Woman as an Obstacle to Development, New York, UNIFEM Sales publication No. WE 011, 1992.

[39] Final report of the study on traditional practices affecting the health of women and children by the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi (E/CN.4/Sub.2/1991/6).

[40] Pakistan - Girl Child in Especially difficult circumstances - report for presentation at SAARC meeting on GCEDC, 1995.

[41] Note 36 above.

[42] Note 35 above.

[43] Article 40.

[44] These countries include Afghanistan, Iran, Algeria, Turkey, Morocco and Malaysia.

[45] A scarf that covers the hair, forehead and neck.

[46] A garment that covers women from head to toe with only a small opening near the eyes; sometimes that area is covered with a mesh cloth.

[47] Rifffat Hassan, Women's Rights in Islam: From the I.C.P.D to Beijing.

[48] Rebecca J. Cook. International Protection of Women's Reproductive Rights. New York University, Journal of International Law and Politics, vol 24, Winter 1992, No. 2, p. 645.

[49] Note 45 above, p. 647.

[50] Women of the World: Laws and Policies affecting their Reproductive Lives - Latin America and the Caribbean. The Centre for Reproductive Law and Policy, 1997, p. 13.

[51] Rebecca J. Cook and Mahmoud F. Fathalla, "Advancing reproductive rights beyond Cairo and Beijing", in International Family Planning Perspective, vol. 22, No. 3, September 1996, p. 117

[52] Facing the Challenges of HIV, AIDS, STDs: A Gender-Based Response 1995, KIT, SAFAIDS, WHO.

[53] Dr. Nafis Sadik, "Decisions for development: women, empowerment and reproductive health", The State of World Population 1995, United Nations Population Fund, p. 49.

[54] Information provided to the Special Rapporteur by the Government of Guatemala.

[55] Study on traditional practices affecting the health of women and children, Final report of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi, July 1991 (E/CN.4/Sub.2/1991/6).

[56] Note 52 above, p. 45.

[57] Anorexia Nervosa and Related Eating Disorders, Inc. at www.anred.com/causes.html.

[58] Lloyd de Mause, "The universality of incest", Journal of Psychohistory, Fall 1991 vol. 19, No. 2.

[59] Severe somatic reactions, depersonalization, self-hatred, hysterical seizures, depression, borderline personality formation, promiscuity, sexual dysfunctions, suicide, self-mutilation, night terrors and flashbacks, multiple personalities, post-traumatic stress disorders, delinquency, bulimia and the overall stunting of feelings and capacities. Lloyd De Mause, "The universality of incest" Journal of Psychohistory, Fall 1991, vol. 19, No. 2.

[60] In *Shri Satish Mehra v Delhi Administration and Another*, July 1996, the Supreme Court of India thought that it was incredible to accuse the father of raping his three-year-old girl and instead accused the mother of levelling false accusations to take revenge on her husband for an unhappy marriage. Broken People: Caste Violence against India's "Untouchables", Human Rights Watch 1999, United States of America.

[61] See Eduardo Moline y Veda, "Mexico: Supreme Court legitimizes rape of spouses, critics say" http//members. aol.com/ncmdr/ipsnews/html, 16 June 1997.

[62] See Amnesty International, Crimes of hate, conspiracy of silence: Torture and ill-treatment based on Sexual Identity, New York, Amnesty International, 2001, p. 39.

[63] Testimony at the Women at the Intersection of Racism and Other Oppressions: A Human Rights Hearing, organized by the Center for Women's Global Leadership at the NGO Forum during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 2001.

[64] See Suzanne E. Hatty, "Masculinities and Violence" (London/New Delhi, Sage, 2000) or A. Cornwall and Nancy Lindisfarne ed. "Dislocating Masculinities" (New York, Routeledge, 1994).

[65] Nancy Lindisfarne, "Variant masculinities, variant virginities, rethinking honour and shame" in A. Cornwall and others, ed. "Dislocating Masculinities", p. 82.

[66] See Suzanne E. Hatty, note 64, chaps. 4 and 5.

[67] Declaration on the Elimination of Violence against Women, proclaimed by the United Nations General Assembly in resolution 48/104 of 20 December 1993.

[68] Article 4 (c) of the Declaration.

[69] www.whrnet.org/news.html.

[70] Information provided by Colette Harris, Programme Director, Women in International Development, Office of International Research and Development, Virginia Technical University, United States of America.

[71] Information provided by Bandana Rana, Executive President of Sancharika Samuha at the Asia Pacific regional consultation with the Special Rapporteur, 2001.

[72] With an End in Sight: Strategies from the UNIFEM Trust Fund to Eliminate Violence against Women, United Nations Development Fund for Women, 2000.

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Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/49

Addendum

Communications to and from Governments

* The executive summary of this report and the confidential information form (see appendix) are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the languages of submission only.

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Executive summary

At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/49, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent action appeals and communications with other special rapporteurs.

The Special Rapporteur has produced a standard reporting form which may be used to document alleged instances of violence against women (see appendix). In this connection, it should be emphasized that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender. The definition of gender-based violence used by the Special Rapporteur is taken from the Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly in its resolution 48/104 on 20 December 1993.

The Special Rapporteur wishes to inform the Commission that during the period under review she transmitted communications to the Governments of: Bangladesh, China, Colombia, the Democratic Republic of the Congo, Egypt, Ethiopia, Guinea, India, Indonesia, Iran (Islamic Republic of), Israel, Kenya, Lebanon, Liberia, Mexico, Myanmar, Nigeria, Philippines, the Republic of Moldova, the Russian Federation, Sri Lanka, Turkey and Uzbekistan. In addition the Governments of Iran, Lebanon, Mexico, the Russian Federation, Sri Lanka and Turkey provided the Special Rapporteur with replies on cases submitted during the year under review, whereas the Governments of Australia, Bahrain, Canada, China, Qatar, Sri Lanka, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland did so with respect to cases submitted in previous years.

This report contains, on a country-by-country basis, summaries of general and individual allegations, as well as urgent appeals transmitted to Governments, and their replies thereto. Observations by the Special Rapporteur have also been included where applicable.

Annex

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

Australia

Follow-up to previously transmitted communications

1. By letter dated 7 March 2001 the Government responded to the Special Rapporteur's communication dated 4 February 1999 concerning the case of **Ms. E** (E/CN.4/2000/68/Add.1, paras. 8-18). The Government indicated that on 11 February 1999, the Refugee Review Tribunal (RRT) had affirmed the decision of the delegate of the Minister for Immigration and Multicultural Affairs not to grant Ms. E a protection visa as the RRT was not satisfied that Ms. E was a refugee. However, on 3 July 2000, following health and character checks, the Minister exercised his powers under section 417 of the Migration Act 1958 (Cth) and granted Ms. E a subclass 820 spouse (temporary) visa. Under section 417 the Minister may substitute for a decision of the RRT a decision that is more favourable to the applicant, if he thinks it is in the public interest to do so. Although the subclass 820 visa granted to Ms. E is a temporary visa, she may now apply for a subclass 801 spouse (permanent) visa. She will be eligible for grant of the permanent visa after two years if she remains in a genuine and continuing relationship with her Australian husband and does not engage in conduct that would preclude the grant of the visa. Ms. E is therefore not at risk of return to the Ukraine in the foreseeable future.

Bahrain

Follow-up to previously transmitted communications

2. By letter dated 22 January 2001 the Government responded to a communication sent on 21 December 2000 (E/CN.4/2001/73/Add.1 paras. 3-5) concerning the case of **Yeshiworq Desta Zewdu**. It stated that on 28 November 2000 the court had convicted Ms. Zewdie and sentenced her to death. Her lawyer lodged an appeal in the High Court of Appeal on 25 December 2000, and a hearing date was awaited. Should that appeal be unsuccessful the case would be sent for automatic review by the Cassation Court, which has powers to look into the case by way of full appeal, or by rehearing of either the substantive case or of issues of the procedure, law or evidence. Should the Cassation Court uphold the conviction and sentence, the case would be referred to his Highness the Amir, without whose consent no death sentence can, under the Constitution and applicable laws be carried out. The Government assured the Special Rapporteur that Ms. Zewdie was fully represented by an independent defence lawyer and that full and complete judicial safeguards were in place to prevent any form of injustice. It stated that Ms. Zewdie's case continued to follow the due process of law in the regular way.

Bangladesh

3. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

4. **Chaniu Marma**, a 13-year-old girl from Dajjya Para village in Khagrachari district, is reported to have been repeatedly raped by a group of so-called Bangladeshi Muslim infiltrators on 18 March 2000 near Dajjya Para Road. She allegedly lost consciousness. On 23 March 2000, she was reportedly examined at Khagrachari hospital and lodged a case against the rapists at the Manikchari police station under the Children and Women Persecution Act. No investigation or arrest has reportedly been carried out.

5. **Momta Khatun Rekha**, a 17-year-old girl from Singuira village in Gatail area of Tangail district, was reportedly raped by a police constable from Bhuapur police station on 14 September 1999 in a house adjacent to Bhuapur Thana hospital. The constable took her to a nearby house, where she was tied to a bed and had a handkerchief pushed into her mouth. The family is said to have filed a complaint on 15 September 1999 against the constable and his accomplice at Bhuapur police station on the allegation of kidnapping and raping Momta Khatun. The constable was reportedly suspended and taken into custody. Months later, Momta Khatun Rekha withdrew the case reportedly under severe pressure from the police.

6. **Rowshan Ara Begum**, an elected member of the Union Parishad (local council), was allegedly raped in her home in the Kishorgonj district of Dhaka by two men, accompanied by three accomplices, on 1 May 1999. She was beaten in front of her 13-year-old daughter, Shara, who was then locked out of the house while two of the men raped her mother. The five accused were said to have been subsequently arrested, but three (charged with being accomplices) were released on bail and reportedly threatened her, her children and her lawyers. The police are said to have taken action to assure their safety.

Canada

Follow-up to previously transmitted communications

7. By letter dated 21 June 2001 the Government responded to the communication submitted jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions, and on the human rights of migrants on 9 August 2000 (E/CN.4/2001/73/Add.1, paras. 11-13) regarding the case of **Ms. Anam Iqra**. The Government indicated that Canada recognized Ms. Iqra as a "Convention refugee" on 14 February 2001. She subsequently filed an application for permanent residence on 27 February 2001. As a refugee claimant she is entitled to work in Canada. If granted permanent residence in Canada, Ms. Iqra would have virtually the same rights and obligations as a Canadian citizen. After three years of permanent residence in Canada, she could apply for citizenship.

China

8. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

9. Between March 1997 and June 1998, the director and deputy director of Qinjia Township police station, Xinhua County, Hunan Province had illegally detained 42 young women who worked in other provinces, handcuffing, kicking, beating, humiliating and threatening them in order to extract confessions that they had engaged in prostitution. In September 1999, they were reportedly sentenced to one year and to six months in prison respectively for detaining the women. Both sentences were allegedly suspended for one year.

10. On 17 May 1999, the head of the Public Security Bureau Communication Department of Xinmi City, Henan Province, a police colleague and a security guard reportedly apprehended a young woman, detained her at their office, demanded that she admit to prostitution, beat her with police batons, gave her electric shocks to her breasts and thigh, sexually assaulted her and kicked her. They reportedly forced her to sign a guarantee, threatening to send her to a labour camp. They reportedly told her they had been lenient to her, that with women from other towns, they would apply electric shocks to their vaginas until they confessed.

Follow-up to previously transmitted communications

11. By letter dated 15 January 2001, the Government of the People's Republic of China responded to the Special Rapporteur's communication dated 13 March 2000 concerning the case of **Rebiya Kedeer**. The Government indicated that Rebiya Kadeer was serving her sentence at the Xinjiang Autonomous Region No. 1 prison. She was convicted in accordance with articles 111 and 56.1 of the Penal Code for supplying State intelligence to parties abroad; the court sentenced her to eight years' imprisonment and stripped her of her political rights for two years. The Government stated that the verdict had nothing to do with freedom of speech or with her activities relating to women's issues as a member of a governmental delegation. The Government denied allegations that she was being badly treated and that her health had deteriorated as a result.

Colombia

12. El 11 de junio de 2001, la Relatora Especial envió un llamamiento urgente conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos a favor de **Dany Rada Jiménez**, de 22 años, y otros activistas de la **Organización Femenina Popular** (OFP). Según las informaciones recibidas, el 18 de mayo de 2001, paramilitares habrían informado a Dany Rada que era objetivo militar y, desde entonces, habría recibido reiteradas amenazas de muerte. Desde hace unas semanas estaría bajo constante vigilancia y hombres desconocidos la habrían seguido en distintas ocasiones por la calle. Ésta habría denunciado los hechos a la policía. El 3 de junio de 2001, un familiar suyo habría sido amenazado por un paramilitar que le habría dicho que Dany Rada se metía en sus problemas y que ya le habrían advertido que no denunciara. El paramilitar también habría afirmado que un

policía de Puerto Wilches le había entregado una copia de la denuncia que ésta habría interpuesto. Los paramilitares habrían amenazado igualmente a varios miembros de la organización de Puerto Wilches, departamento de Santander, con matar a activistas de la OFP, y habrían advertido a los vecinos de Puerto Wilches que la organización de mujeres estaba amenazada, asegurando que: "Es posible que colocaremos una bomba... La OFP se acaba porque se acaba".

13. El 13 de febrero de 2001, la Relatora Especial envió un llamamiento urgente conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos a favor de la **Organización Femenina Popular** (OFP). Según las informaciones recibidas, en la mañana del 27 de enero de 2001, dos hombres que se habrían identificado como miembros del grupo paramilitar Autodefensas Unidas de Colombia (AUC) habrían llegado al Centro "Casa de la Mujer" dirigido por la Organización Femenina Popular (OFP) en el distrito de Prado-Campestre de Barrancabermeja, departamento de Santander. Según la fuente, los dos hombres habrían anunciado su intención de ocupar el Centro y habrían exigido a los activistas que les dieran las llaves del mismo. Uno de los hombres habría vuelto al lugar el mismo día, amenazando a la defensora de los derechos humanos, Jackelin Rojas, y requisando su teléfono celular. Se informa que los paramilitares habrían amenazado con tomar el Centro por la fuerza "tumbando la puerta abajo y pasando por encima de quien fuera". Según la fuente, el hombre fue arrestado por la policía, pero se teme que otros miembros de las Autodefensas pudiesen llevar a cabo su amenaza de tomar a la fuerza el Centro.

14. Además, se informa de la situación de un observador internacional de la organización no gubernamental "Peace Brigades International (PBI)", que colabora con otros grupos de defensores de los derechos humanos en Colombia, en particular la Organización Femenina Popular. La información indica que a primera hora de la mañana del 8 de febrero de 2001, dos hombres armados, que se habrían identificado como miembros de las AUC, habrían llegado a un centro de mujeres dirigido por la OFP. Según la fuente, los dos hombres se aproximaron a un observador internacional de Peace Brigades International y le habrían ordenado que les entregara sus documentos así como su teléfono celular. Al negarse, uno de los paramilitares le habría amenazado con una pistola. Tras tomar los documentos y el teléfono celular, los dos hombres habrían abandonado el centro amenazando con declarar a la organización PBI objetivo militar.

15. Los Relatores Especiales expresaron su preocupación en cuanto a la posible suspensión por la fuerza del trabajo de los defensores de los derechos humanos en Barrancabermeja como resultado de la intimidación a la cual estarían siendo sometidos. Se alega que algunos defensores de los derechos humanos habrían salido de Barrancabermeja y que aquellos que todavía permanecen allí estarían siendo perseguidos, hostigados y amenazados.

Democratic Republic of the Congo

16. Le 27 août 2001, la Rapporteuse spéciale a envoyé un appel urgent conjointement avec les Rapporteurs spéciaux sur la situation des droits de l'homme en République démocratique du Congo et sur la torture et le Président-Rapporteur du Groupe de travail sur la détention arbitraire en relation à des incidents qui se seraient déroulés le mercredi 15 août 2001, au marché central de Kinshasa. Suite au décès lors de son arrestation d'un enfant des rues soupçonné de vol,

d'autres auraient saccagé le bureau du commissariat de police du marché central, dont le commandant aurait été grièvement blessé. Des policiers militaires auraient ensuite procédé à l'arrestation d'au moins 420 enfants de la rue, âgés de 2 à 17 ans. Certains auraient été amenés aux services spéciaux de la police Kin Maziere et d'autres à l'état-major du Commandement du bataillon mobile Kin Ouest de la police près de l'hôpital général de Kinshasa. La nuit du mercredi 15 août 2001, sur instruction du Gouverneur ad interim de la ville de Kinshasa, des patrouilles de la police auraient procédé à l'arrestation d'autres enfants qui auraient été conduits à l'Inspection provinciale de la police de Kinshasa. Le 16 août 2001, à l'issue d'une réunion entre le Gouverneur a.i. de la ville et une organisation non gouvernementale (ONG) appelée «ECO/ASBL» plus ou moins 366 enfants de la rue, dont une soixantaine des filles, auraient été conduits au siège de cette ONG dans la commune de Ngaliema en vue d'être transférés au site Mitendi devant être réaménagé à cet effet par le Gouvernement. Plusieurs filles qui faisaient partie de ce groupe auraient fait l'objet de harcèlements sexuels, et certaines d'entre elles auraient même été violées par des membres de la police.

Egypt

17. By letter sent on 30 September 2001 with the Special Rapporteur on torture the Special Rapporteur advised the Government that she had received information on the following individual case.

18. **Salha Sayid Qasim**, a 37-year-old housemaid, was reportedly taken from the house of one of her employers to Giza Police Headquarters by two plainclothes security officers on 3 March 2000 on suspicion of burglary. There, she was reportedly blindfolded and whipped with a stick on her back, legs and head. An officer allegedly told her to take off her clothes and to turn towards them. The officer then reportedly threatened her with sexual abuse, including gang rape by the officers. After several hours of abuse, she was reportedly sent to spend the night handcuffed in a cell with a male prisoner. The next day, she was allegedly given electric shocks and beaten severely on her body and head with a stick for over an hour in order to extract a confession. She was reportedly released on 4 March 2000 without charge. On 13 March 2000, a complaint was reportedly filed with the Public Prosecutor's Office.

19. On 6 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on freedom of opinion and expression on behalf of **Nawal El Saadawi**, a writer and eminent defender of women's rights. According to information received, a legal proceeding has been launched in order to annul on the grounds of apostasy the 37-year-long marriage of Nawal El Saadawi and her husband, Sheriff Hetata. This proceeding is reportedly based on an interview with Nawal El Saadwi, published in an Egyptian weekly newspaper, "*Al Midan*", on 6 March 2001, in which she was reportedly critical of certain religious practices. It has been reported that Ms. El Saadawi's statements, which related to historical facts and to her views on the wearing of the veil by women, polygamy and the inequality of women with regard to inheritance law, were misquoted by the newspaper. According to the source, a lawyer named Nabih El Wahch lodged a complaint before the General Prosecutor and the Cairo Court for Personal Status Affairs, accusing her of contempt of Islam and asking for her separation from her husband. The request is reportedly based on a Muslim precedent known as Hisba, which permits any Muslim to introduce proceedings against another Muslim who is considered guilty of

violating an Islamic obligation. The Special Rapporteurs have been informed that while the General Prosecutor rejected, on 23 May 2001, the complaint filed against Ms. El Saadawi, the case is still pending before the Cairo Court for Personal Status Affairs. The hearing was scheduled to take place on 18 June 2001.

20. According to information received, Nawal El Saadawi had previously been subjected to harassment because of her activities as a women's rights activist. According to that information, she was given an 11-year prison sentence in 1981 for her activities and, in 1991, the Arab Women's Solidarity Association, which she founded, was banned. It is further reported that in 2001, several of her books were prohibited from being exhibited at the Cairo Book Fair.

Ethiopia

21. On 18 September, the Special Rapporteur sent an urgent appeal with the Special Representative of the Secretary-General on human rights defenders on behalf of **the Ethiopian Women Law Association** (EWLA), based in Addis Ababa, which was reportedly forced to suspend its activities on 31 August 2001. EWLA is an organization which provides counselling to women victims of human rights abuses, assists them in securing legal remedies, raises public and government awareness of discrimination and violence against women and encourages corrective action. It has been reported that on 3 September 2001, EWLA received a decision dated 31 August 2001 from the Ministry of Justice which was signed by the Chief of the Registry of Association. According to the decision, entitled "Notice of Suspension of the Association", the EWLA "has been found out acting beyond its mandate and the Code of Conduct Guidelines" and "is hereby suspended as of 30 August 2001 until further notice". Furthermore, the Government has frozen the EWLA bank account.

22. It is alleged that this decision is connected to demonstrations organized by the EWLA, in February 2001, in front of the office of Prime Minister Meles Zenawi and the Parliament, in which some 1,000 women protested violence against women, calling for stricter laws against rape and sexual abuse and more effective law enforcement. According to information received, another factor leading to the Government's decision was the involvement of EWLA in a recent case concerning a girl, Hermela Wosenyeleh, who was reportedly continually harassed by a young man and could not get adequate police protection. It is reported that he finally shot and wounded her, as well as seriously harming two of her sisters with a machete. EWLA sought to assist Hermela and her family by writing to the Ministry of Justice seeking his intervention when the family failed to obtain adequate and timely protection. It also contacted "Ethiopian Television", government and private newspapers, as well as "Radio Ethiopia" and "Fana", which commented widely on the case. Government officials have reportedly told EWLA that in speaking out about the case it had made the justice system look bad. According to information received, all the activities of EWLA have been suspended for the time being and some 50 of its employees had to be laid off. All the casework carried out by EWLA lawyers in the courts has reportedly been interrupted. It has been reported that four girls under the care of the association and for whom it was paying school fees have interrupted their education because its bank account has been frozen. The Rapporteurs called on the Government to ensure that all possible means are employed for the removal of any conditions or circumstances that undermine the right, individually or in association with others, to promote and strive for the protection and realization of women's human rights and fundamental freedoms.

Guinea

23. Par une lettre datée du 3 octobre 2001 envoyée conjointement avec les Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires, sur la torture, sur la promotion et la protection du droit à la liberté d'opinion et d'expression et sur l'indépendance des juges et des avocats, la Rapporteuse spéciale a informé le Gouvernement qu'il avait reçu des renseignements concernant le procès d'**Alpha Condé**, président du Rassemblement du peuple de Guinée (RPG), un des principaux dirigeants de l'opposition et candidat aux élections présidentielles de décembre 1998, et de ses 47 coaccusés. Alpha Condé aurait été arrêté et frappé au moment de son arrestation par des militaires à Piné, en région de Guinée forestière, le 15 décembre 1998. Au moment de son arrestation, il aurait été accusé de vouloir se rendre en Côte d'Ivoire alors que les frontières du pays étaient fermées en raison des élections. **Ben Karamoko Kourouma**, garde du corps d'Alpha Condé, **Antoine Gbogolo Soromou**, ancien maire de Lola, et son chauffeur **Michel Lah Gonga**, ainsi que **Morifing Sagno**, un villageois de Piné chez lequel Alpha Condé se serait réfugié et **Vassezé Diomandé** auraient été arrêtés le même jour en raison de leurs supposés liens avec Alpha Condé. Ils auraient tous été transférés par avion militaire à Conakry où pendant un mois Alpha Condé aurait été détenu au secret dans divers centres de détention non reconnus, dont le camp Koundara (des baraquements militaires de l'unité de la sécurité de l'État). Il aurait été interrogé par des membres d'une unité antigang directement responsable auprès du Ministre de l'intérieur. Le 28 décembre 1998, il aurait ainsi été présenté devant un magistrat. Il aurait été transféré à la prison centrale de Conakry le 13 janvier 1999 et aurait à ce moment-là été formellement inculpé.

24. Entre le 7 octobre 1999 et janvier 2000, plus de 30 personnes, la plupart des membres des forces armées, auraient été arrêtées en relation avec l'arrestation d'Alpha Condé. La plupart des personnes arrêtées auraient été soumises à différentes méthodes de torture telles que des coups, gifles, coups de poing et de pied sur différentes parties du corps, dont les parties génitales. Certains auraient subi des simulacres de noyade et auraient été menacés de mort. Ces actes auraient la plupart du temps été commis juste après l'arrestation dans les commissariats de police ou des baraquements militaires. Certains auraient été emprisonnés dans une cellule connue sous le nom de la cellule de «l'enfer» dans l'île de Kassa, qui serait une cellule de petite dimension, placée sous une cuve d'eau, dans laquelle les détenus seraient forcés de rester debout et seraient régulièrement inondés d'eau. Ces actes auraient eu pour but d'obtenir des confessions incriminant Alpha Condé, en échange desquelles une libération était promise.

25. Le procès d'Alpha Condé et de ses coaccusés n'aurait commencé que le 12 avril 2000 et aurait principalement été basé sur des confessions obtenues sous la torture. Ce n'est qu'à partir de l'ouverture du procès que certains des coaccusés auraient eu le droit de recevoir des visites de leur famille. La fille de l'un des détenus sur l'île de Kassa aurait été arrêtée et détenue pendant trois jours, durant lesquels elle aurait été menacée de viol. La femme d'un de ces détenus aurait elle aussi été arrêtée et aurait reçu 10 coups de fouet. Les 48 détenus auraient été jugés par la Cour de sûreté de l'État, cour créée le 10 juillet 1985 par le Président Clansana Conté. Cette cour, aux pouvoirs permanents et spéciaux, serait composée de magistrats nommés directement par le Président de la République (art. 634 (3) du Code de procédure pénal) et aurait pour juridiction tous les crimes d'atteinte à la sécurité de l'État. Les juges auraient été dans ce cas nommés par un décret présidentiel daté du 4 août 1999, soit après l'arrestation d'Alpha Condé. Pendant le procès, un certain nombre d'accusés, dont les membres des forces armées, auraient

témoigné que leur confession incriminant Alpha Condé avait été obtenue sous la contrainte. En particulier, Ben Karamoko Kourama aurait montré les blessures qu'il avait encore sur les bras, le dos et les hanches au moment du procès. Ces confessions auraient néanmoins été acceptées comme preuves par la cour, qui n'aurait pas demandé l'ouverture d'une enquête. Le procureur public aurait par ailleurs qualifié ces témoignages de manœuvres de la défense. Alpha Condé aurait été condamné à cinq ans de prison le 11 septembre 2000. Quinze de ses coaccusés auraient été condamnés à diverses peines allant de un an d'emprisonnement avec sursis à cinq ans d'emprisonnement ferme. Vingt-trois coaccusés auraient été acquittés, alors que 10 autres auraient été acquittés «avec le bénéfice du doute». Quatre autres coaccusés auraient été condamnés *in abstentia* à 10 ans d'emprisonnement ferme.

26. Suite à l'arrestation d'Alpha Condé, un certain nombre de manifestations pacifiques se seraient déroulées réclamant sa libération et visant à contester les résultats du scrutin. Lors de ces manifestations, en particulier en décembre 1998, des centaines de personnes auraient été arrêtées dans plusieurs villes, dont Kankan, Baro et Siguiry, et torturées, en particulier aux camps militaires Soundiata à Kankan et Alpha Yaya à Conakry, avant d'être relâchées ou condamnées à des peines de prison fermes. Un grand nombre de femmes, en particulier des mineures, auraient été violées lors de ces arrestations. Des femmes auraient témoigné de leur viol, souvent collectif, lors de leur procès. Les magistrats auraient ignoré ces témoignages et auraient demandé aux victimes de «tourner la page». **Mamadou Kourouma** aurait été arrêté lors d'un rassemblement pacifique dans l'après-midi du 21 décembre 1998 chez le doyen Le Hadj Amiata Kaba, un député du RPG. Il aurait été emmené au camp Soundiata où trois militaires l'auraient allongé sur une table avant de le battre avec des matraques. Suite aux arrestations survenues à Kankan et Siguiry en décembre 1998, plus de 60 personnes, dont des députés et des conseillers municipaux, ont été jugées par le tribunal de première instance de Kankan pour «participation à une marche non autorisée et incitation à la violence». Le 16 mars 1999, 38 accusés ont été condamnés à des peines comprises entre quatre mois et cinq ans d'emprisonnement assorties d'amendes importantes. Les conditions de détention auraient été particulièrement mauvaises. Jusqu'à 30 personnes auraient été enfermées dans des cellules de 4 mètres carrés, avec un seul trou dans le mur pour servir de système d'aération. Le Hadj Biro Diallo, le Président de l'Assemblée nationale, aurait été exclu de son parti, le Parti de L'unité et du progrès, pour avoir dénoncé, y compris dans une lettre au chef de l'État, ces violations des droits de l'homme. En janvier 1999, il aurait adressé un courrier au Président de la République pour réitérer son opposition à la torture et aurait inclus un document vidéo dans lequel des victimes montraient les blessures subies lors de leur arrestation et détention. Selon les informations reçues, aucune enquête n'aurait été ouverte.

India

27. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

28. **Misra, wife of Nazam u din** was reportedly raped by personnel of the 25th Reshtriya Rifles (RR) and the 8th RR on 28 January 1998 in her house, in the village of Mailgam Prem Nager, Tehsil Doda, State of Jammu and Kashmir, including by a captain. Another woman was

reportedly raped by the same men at around the same time. A first information report (FIR) has reportedly been lodged but no legal action has allegedly been taken. Since then, Misra and her family have reportedly received death threats.

29. **Lala Begum, wife of Fateh Mohammad**, was reportedly raped by a soldier on 7 May 1999 in her house in Persholla village, Doda tehsil and district, State of Jammu and Kashmir. Three members of the 8th RR from Gulmana camp reportedly entered her house and severely beat the inhabitants, including her father-in-law and some minors. She was allegedly taken into a room, stripped and beaten. Although she was reportedly eight months pregnant, she was reportedly raped by one of the soldiers and threatened with death not to tell anybody about the incident. At the police station in Doda, an officer allegedly refused to register her complaint.

30. **Jyotsna Bal** was reportedly taken by plainclothes police from her home to Gariahat and subsequently to Lal Bazar police lock-up on 21 April 1999. During transfer, she was allegedly beaten. She was reportedly later told that she was arrested on charges of theft of several pieces of furniture, filed by her husband's relatives, who were believed to have been motivated by a housing dispute. She was reportedly remanded in custody until 26 April, despite being ill. On 23 April, she was taken to the Medical College hospital where she was allegedly given some unidentified medicine. On 24 April, she was reportedly told to sign papers, including blank papers, at Gariahat station. When she refused, she was reportedly slapped, had her hair pulled and was threatened with prolonged detention. Upon release on 26 April, the police allegedly told her not to return to her property until 10 May, where her husband's family had moved in. She allegedly continues to fear harassment from the police.

31. **Sarva Begum, wife of Muhammad Sharief Khan**, was reportedly raped by four men belonging to the Village Defence Committee (VDC) and Special Task Force (STF) in her residence in Kantoyee village, Kashtigargh, Doda district, State of Jammu and Kashmir, on the night of 30/31 January 2000. Soldiers reportedly forcibly entered her house, and brought her to the stable, where four of them allegedly raped her. Although a FIR was registered on 7 February 2000, the police is said to have taken no action. She and her family are believed to have been receiving death threats since.

32. **Rupa Nath**, aged 11, and her sister, **Oirabati Nath**, were reportedly arrested by Gogamukh police in the State of Assam, on 2 February 2000. In custody, they were allegedly interrogated and severely beaten. The next day, they were reportedly handed over to Ghilamara police station, where they were repeatedly raped by officers. Rupa Nath was allegedly later left on the highway near 2nd Culvert of Gogamukh. Once released, they were reportedly taken to Gogamukh hospital.

33. The following 12 women, **Sala, Renuka, Bhavani, Umayavalli, Chelli, Amutha, Nagarani, Palayam, Kannagi, Veerammal, Velankanni and Indira**, and two children, **Anand** and **Mani**, were reportedly ill-treated in connection with the case of Nathan, who reportedly died in custody at F-1 police station, Tamil Nadu on 17 February 2000, following alleged torture. On 11 February 2000, Sala, his wife, was reportedly beaten in custody in Chennai and had her fingers bent backwards. A day later, Renuka, Bhavani, Umayavalli, Chelli and Amutha were reportedly arrested, pulled by the hair, beaten and sexually and verbally abused. On 13 February 2000, Veerammal, Nathan's mother, Nagarani, Palayam,

Kannagi, Velankanni and Indira were reportedly beaten on the hands and verbally abused. Anand and Mani were reportedly detained on 13 February, and Anand was allegedly pierced with a needle in his genitals.

34. **Nazira Begum** was allegedly gagged and raped by two members of the 8th RR, based at Bharat, on 5 April 2000, while her husband was in custody. They reportedly threatened that if she did not give information on the whereabouts of her husband's weapons, they would shoot her and throw her into the river. They allegedly warned her that if she told anyone her husband would be killed.

35. **Mariam Yousuf Gujjar**, aged 19, wife of Muhammad Yousaf, was reportedly raped by five men of the 26th RR on 11 April 2000, close to her residence in Patzani village, Banjwa, Thathri tehsil State of Jammu and Kashmir. On 10 April 1999, her husband was reportedly taken to a nearby army camp by a group of about 16 armed soldiers. The next day, soldiers allegedly returned to her home, asking for his whereabouts. While the other inhabitants were reportedly beaten and locked away, she was gagged and raped. She allegedly lost consciousness. She was reportedly examined by a doctor on 12 April 2000 in the Doda district hospital.

36. **Mercy Kabui** was reportedly raped at gunpoint by two members of the 112th battalion of the Central Reserve Police Force (CRPF) at her home in Lamdan Khullen village in Churachandpur district of Manipur in July 2000. Her husband, **Akham**, was reportedly beaten by order of the assistant commander and her father-in-law, **Maringmi Thaitounga**, the village chief of Lamdan Khullen, was reportedly forcibly prevented by an officer from intervening on their behalf. Following the departure of the CRPF personnel, Maringmi Thaitounga allegedly reported the incident to the commanding officer of the army camp and lodged a complaint at Loktak police station. CRPF officials stationed in Lamdan reportedly denied the accusations. The police reportedly initiated an investigation. However, the CRPF reportedly failed to cooperate, so that it was not concluded.

37. **Sakina Begum, Naseema Begum** and **Hasina Begum** were reportedly raped by members of the 8th RR on 1 June 2001 in Behota, Mermat, a day after the visit of human rights defenders to the area and while all their male relatives were away from the house. Sakina Begum, who is elderly, was allegedly beaten on the head and back with a stick, kicked in the abdomen and then raped by a soldier. Nasema and Hasina Begum were reportedly beaten with rifle butts. Nasima Begum was reportedly raped by one soldier while two others held her down, and her baby was allegedly thrown to the floor. Hasina Begum was said to have been raped by two soldiers. At Doda district hospital, the staff allegedly did not produce accurate medical reports. An FIR was lodged at Doda police station, but no action has reportedly been taken.

38. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

39. **Malik, Manikandan, Samual, Subetha** (f), **Laila Beevi** (f), **Vijayalakshmi** (f), **Subbulakshmi** (f), **Mary** (f), **Malika** (f), **Kallathiyan, Isakki, Rajammal** (f), **Chandran** (f), **Victoria** (f), **Pappa** (f), **Lakshi Ammal** (f), **Seetha Laakshmi** (f) and **K. Parvathy** (f) were reportedly victims of excessive use of force by the police on 23 July 1999 during a peaceful

protest march of Manjolai tea estate workers and their supporters, in Tirunelveli, south Tamil Nadu. The demonstrators are said to have marched to the Tirunelveli District Collector's office to demand the release of 652 tea workers previously detained for holding a peaceful rally. According to the information received, police resorted to charging with lathis, using tear gas and firing shots to disperse the demonstrators. Once the demonstration was dispersed, police are alleged to have kept beating demonstrators. It is reported that women who were taken to Tirunelveli police station were stripped naked, beaten and verbally humiliated. Furthermore, the following people reportedly died as a result of the alleged police brutality during the dispersal of the march: **Sha Navas, Josphin** (f), **Murugan, Raju, Arumugam, Rathinam, Jayaseelan, Kutti Kumar, John Boopalarayar, Ennacy Manickam, Anthony, Sanjeevi, Vignesh, Rathinamary** (f), **Velayudam, Keisar and Abdul Rahman**.

Indonesia

40. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

41. **Sumiati Binti Hamzah** was reportedly raped at gunpoint by a member of the North Sumatra (Aceh) based Territorial Battalion Yonif 126 on 16 August 1996. Upon discovering that she was pregnant as a result of the attack, she allegedly asked her attacker to provide her with financial compensation and was reportedly offered the equivalent of US$ 500 on condition that she did not report the case. In March 2000, a military tribunal in Medan reportedly ruled that the perpetrator should pay the victim 50,000 rupiah per month as maintenance for the child, but no one has reportedly been held responsible for the rape.

42. **A number of women** were reportedly raped and sexually assaulted in the village of Alue Lhok in Matangkuli sub-district, North Aceh district by men wearing military uniforms searching for members of the Free Aceh Movement (Gereakan Aceh Merdeka, (GAM)) on the night of 7 March 2000. Their male relatives were reportedly tied up and beaten. A fact-finding team headed by the Aceh branch of the National Commission on Human Rights (Komnas HAM) is said to have reported that three women had been raped and that the military appeared to be responsible. No one has reportedly been arrested, charged or brought to trial in connection with the cases.

43. **Maria Pompeia** was reportedly subjected to sexual harassment and beatings by a public servant and a member of the Makikit militia on 20 March 1999, in Dilo village, Lacluta sub-district. She was allegedly stripped, touched on her whole body and taken to the sub-district military command. During the transfer, she and her three children were said to have been beaten and kicked. **Aniceto dos Santos Xavier**, aged 16, was allegedly hit with a rifle, **Jose da Costa Nunes**, aged 14, with an arrow, and **Justo Mesak**, aged 5, pulled by the hair. **Olinda Pinto Martins**, aged 41, was reportedly also beaten during the same incident.

44. **Candida Maria** was reportedly raped on 25 April 1999 by a commander of Laksaur Merah Putih militia and a second sergeant of TNI, who is also said to be the head of Belulik Leten village. She was allegedly raped in connection with the escape of her husband, and threatened with death.

45. **Fernanda Beitau**, a 17-year-old student from Taroman hamlet, was reportedly raped by a member of the TNI back-up Laksaur Merah Putih militia on 26 May 1999.

46. **Azelia Amaral** was reportedly raped by a commander of Laksaur Merah Putih militia and a civil servant at the Department of Education on 31 May 1999.

47. **Jacinta** (no surname) was reportedly raped by a commander of the TNI back-up Mahidi militia. According to the information received, the incident occurred in Hare Kain village, Mape, Zumulai, Covalina in May 1999.

Iran (Islamic Republic of)

48. On 23 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture, on behalf of **Maryam Ayoubi**, who had reportedly been sentenced to death by stoning for the murder of her husband. Her accomplice, **Hossein Esna 'Asharyhas**, had reportedly also been sentenced to death.

49. On 8 August 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of **Soraya Dalaian**, and concerning the use of sexual torture in Evin Prison, Tehran. According to information received, Soraya Dalaian was repeatedly raped by two men over a period of 24 hours during her stay in Evin Prison in 1997. It is reported that it is not an isolated case and that women prisoners are systematically subject to rape by judges and high-ranking officials in prison. It is alleged that there are suites available in the prison for that specific purpose. According to press reports of 16 April 2001, during the trial of Esmail Eftekhari Nasr, the commander of the local urban Revolutionary Guards centre in Tehran's 12th district, it was alleged that he and his subordinates had kidnapped a number of young girls and after raping and murdering them, had dumped their bodies in different parts of Tehran. Mr. Eftekhari was subsequently sentenced to five years in jail, while ordinary citizens would reportedly receive much harsher sentences. The Rapporteurs also expressed their distress over the execution by stoning of Maryam Ayoubi on 11 July 2001. They urged the Government to remove article 82 (b) concerning stoning from the Islamic Code and to actively undertake a policy of suppressing recourse to stoning throughout the country.

50. By letter dated 9 November 2001 the Government responded regarding the case of **Sorayya Dalaican**. It stated that she was arrested and sentenced to imprisonment on 10 November 1997 and was released on 8 January 1998. She was again sentenced to imprisonment on 28 April 1998 and released on 3 May 1998. She was further sentenced to imprisonment on 2 August 1998 and released on 23 September 1998. The Government stated that there were no political overtones to her conviction. The Government did not respond to the allegations of the use of sexual torture in Evin Prison, Tehran.

Observations

51. The Special Rapporteur remains concerned about violence against women in Iran and requests the Government to respond to the allegations of the use of sexual torture in Evin Prison, Tehran.

Israel

52. On 26 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture, on behalf of **female Palestinian prisoners, including a child**, in the Neve Tirtza women's prison in Ramle. On 13 September 2001, the prison wardens were said to have entered the cells reserved for women and to have taken **Maha Al-A'ak, Abeer Amer, Suad Ghazal, Wijdan Buji and Rab'a Hamael**, aged 14, to isolation, while **Amen Muna** was taken to a different section holding convicted criminals. The other women, fearful for the latter's safety, were said to have started shouting, at which point the wardens were believed to have beaten them. They were said to have tied their spread arms and legs to their beds with plastic restraints that were tight to the point of causing swelling and severe pain for one night.

53. On 16 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture, on behalf of **female Palestinian prisoners** held at Neve Tirtza women's prison in Ramle, on behalf of whom the Special Rapporteurs had already intervened on 26 September 2001 (see above). They were said to have started on a hunger strike on 1 October 2001 as a protest against the alleged repressive attitude of the prison administration, following a series of beatings on 13 September 2001. It was believed that during the hunger strike, the detainees were refused rations of milk and salt and were not permitted to take recreation time outside their cells. **Rab'a Hamael, Sanna Amer** and **Sawsan Abu Turki**, all aged 14, were held in isolation cells. Sawsan Abu Turki who had reportedly been arrested on 6 September 2001 on charges of attempting to stab an Israeli soldier was said to have a history of psychological problems. She had reportedly been hospitalized in July 2001 for three days after having been hit on the head by an Israeli soldier. It was said that while her family supplied the medication she needs in order to treat her various medical problems, the prison administration has constantly refused to pass this medication on to her or to provide her with other medical care. Her psychological state has allegedly deteriorated to the extent that she is no longer able to clearly distinguish her identity. When the court was reportedly asked to have an impartial and culturally-sensitive psychological examination conducted to assess her fitness to stand trial, it is alleged that an Israeli psychologist visited her for approximately five minutes, filled in a questionnaire and declared her to be psychologically fit to stand trial.

Kenya

54. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning **Sophia Dolar, Pauline Wanjiru and Ester Wairimu**, who were reportedly arrested in March 2000 with eight other human rights activists, held for five days in Nakuru Prison, Rift Valley Province. Upon arrival, the women were reportedly forced to strip naked in full view of other prisoners and jeering prison guards, and beaten with sticks during interrogation. They

were allegedly held in a large overcrowded cell holding 39 women, many of whom were ill. When they refused to eat uncooked food, they were reportedly beaten with canes and forced to eat the food. No official investigation is said to have been carried out.

Lebanon

55. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur sur la torture, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels, lors de leur arrestation et détention, les femmes souffriraient de discriminations particulières dues à leur statut de femmes et seraient souvent soumises aux tortures et autres formes de mauvais traitements, dont les viols et autres abus sexuels. Ces derniers seraient en particulier dus au fait que les membres des forces de l'ordre, en particulier de la police, seraient majoritairement des hommes qui, de plus, n'auraient reçu aucune formation spécifique dans ce domaine. Les femmes accusées d'avoir commis des crimes seraient abandonnées par leur famille, ce qui les rendraient encore plus vulnérables à l'égard des forces de l'ordre. Cela signifierait aussi qu'un certain nombre d'entre elles n'auraient plus alors les moyens financiers nécessaires pour se garantir une aide juridique.

56. Les principales formes de mauvais traitements subies par les femmes seraient les suivantes: viols et tentatives de viols, insertion de divers objets dans le corps, coups et brûlures sur des parties sensibles du corps, mise à nu forcée et dévoilement des parties intimes et utilisation d'insultes à caractère sexuel. Les gardes masculins envahiraient l'intimité des cellules des femmes de manière arbitraire et les priveraient d'accès aux toilettes qui leur sont spécifiquement destinées. Certaines femmes auraient aussi été obligées d'être les témoins des tortures endurées par des membres de leur famille.

57. Le Rapporteur spécial a transmis des renseignements selon lesquels les conditions de détention dans les prisons pour femmes situées à Ba'abda, Tipoli, Zhale dans la Bequ'a, et à Barbar al-Khazen à Beyrouth seraient cruelles, inhumaines et dégradantes. Les prisonnières de droit commun représenteraient près de 4,7 % de la population carcérale. Dans ces prisons, un nombre important de détenues seraient malades et ne recevraient pas l'attention médicale dont elles auraient besoin. Elles seraient maintenues, comme les autres détenues, dans des conditions inadéquates, en particulier en ce qui concerne l'hygiène, les installations sanitaires et la ventilation. Les dortoirs seraient surpeuplés et humides, ce qui leur ferait courir de sérieux risques pour leur santé. Les dortoirs seraient par ailleurs infestés d'insectes. En outre, les détenues n'auraient pas de lit et dormiraient à même le sol, utilisant des matelas en mousse. Les détenues seraient la plupart du temps enfermées dans leurs cellules et n'auraient pratiquement pas accès à de l'air frais, ni l'opportunité de faire des exercices physiques. D'après les informations reçues, des femmes de tout âge, y compris des mineures, seraient détenues ensemble, dans des lieux sans installations prévues pour les femmes enceintes ou pour les femmes détenues avec leurs enfants. De plus, il n'existerait pas de lieu spécifique de détention provisoire pour les femmes. La société civile aurait dénoncé ces conditions de détention en plusieurs occasions.

58. Le Rapporteur spécial a également transmis des renseignements concernant les cas individuels suivants.

59. **Bassima Huriya**, une jeune fille de nationalité syrienne, aurait été arrêtée le 23 mars 1997 alors qu'elle avait 16 ans, et aurait été accusée d'avoir été impliquée dans le meurtre de son fiancé. Elle aurait été détenue durant 20 jours par la police judiciaire (*Dabita al'adliyya*) au poste de police de Ba'abda, où elle aurait été détenue dans une cellule avec des adultes. Pendant sa détention, elle aurait été interrogée et battue par des policiers en civil. Elle aurait été suspendue à une porte par les poignets, reçu des coups de poing sur les oreilles et aurait été frappée contre une armoire. Elle aurait également été soumise à la méthode dit du poulet (*farruj*), qui consisterait à attacher la victime à une barre en bois, à la suspendre et à la battre à coups de bâton. Les mauvais traitements auraient été arrêtés quatre jours avant qu'elle soit présentée devant un magistrat qui, en réponse à son témoignage sur les tortures qu'elle aurait subies, lui aurait répondu que toute personne qui comparaissait devant lui se plaignait d'avoir été battue. Elle aurait été jugée en 1998 et condamnée, le 2 février 2000, à cinq ans de prison fermes.

60. **Fatima Yunes** aurait été arrêtée par des membres de la Sécurité de l'État (*Amn al-dawleh*) le 26 octobre 1998, en relation avec le meurtre de son mari. Elle aurait été détenue au bureau de la Sécurité de l'État de Tyre pendant quatre jours. Durant sa détention elle n'aurait pas eu accès à un avocat, elle aurait eu droit à aucune visite et aurait été soumise à de mauvais traitements par huit hommes habillés en civil. En particulier, elle aurait été assise sur une chaise et battue, soumise à la méthode dite du *farruj* et brûlée avec des cigarettes. Elle aurait perdu connaissance et aurait fini par signer une confession. Lorsqu'elle aurait comparu devant le magistrat en charge de son dossier, elle aurait dénoncé avoir été victime de tortures et aurait montré des marques sur son corps et ses jambes. Le magistrat en question aurait ouvert une nouvelle enquête mais n'aurait pas ordonné d'examen médical.

61. **Lebnayniya 'Abdallah**, âgée de 16 ans au moment des faits, aurait été arrêtée en 1993 et accusée d'incitation au meurtre de son beau-fils. Elle aurait été conduite au poste de police de Remeila à Tripoli et ensuite à Zgharta où elle aurait été détenue pendant 21 jours, durant lesquels elle aurait été obligée de dormir sur une chaise. Elle aurait été fouettée par six ou sept personnes. Elle aurait été obligée de se dénuder jusqu'à la taille. Elle aurait été soumise à la technique du *farruj*. Elle n'aurait pourtant jamais avoué avoir commis le crime qu'on lui reprochait. Ses interrogateurs l'auraient menacée de nouvelles tortures si elle se plaignait au magistrat en charge de son dossier. Elle aurait ensuite été transférée dans les prisons pour femmes de Tripoli et Ba'abda. Bien que mineure, elle aurait été détenue avec des adultes. En 1999, elle aurait été condamnée à la peine de mort bien que ses coïnculpés auraient témoigné qu'elle était innocente. La cour de cassation aurait finalement jugé en appel qu'elle était innocente et elle aurait été relâchée.

62. **Heba Ma'sarani** aurait été arrêtée le 14 juin 1997 et accusée de la mort de son mari, qui se serait en fait suicidé. Elle aurait été emmenée au poste de police du port de Tripoli (*Makhfar al-Mina*) où elle aurait été interrogée pendant deux jours. Les agents de police l'auraient déshabillée et auraient tenté de la violer, mais le chef du poste les en aurait empêchés. Celui-ci aurait ordonné le transfert de Heba Ma'sarani au poste de police de Bab al-Ramla, à Tripoli, où elle aurait été amenée devant un magistrat instructeur avant d'être torturée pendant sept jours sans pourtant être interrogée. Elle aurait été violée par des membres de la *Dabita al'adliyya* de nuit et en l'absence du chef du poste de police. Elle aurait aussi été soumise à la méthode dite du *farruj* ainsi qu'à la méthode dite du *dullab*, qui consisterait à suspendre la victime au moyen d'une chambre à air et à la battre. Elle aurait finalement été transférée sur ordre d'un magistrat

dans une prison. Son procès aurait débuté neuf mois après son arrestation et se serait prolongé durant 18 mois. Elle aurait par la suite été transférée à l'hôpital-prison de Tripoli, ne pesant que 36 kilogrammes.

63. Le Rapporteur spécial a aussi transmis des renseignements concernant des femmes accusées de «collaboration» avec Israël, qui auraient été torturées dans le but de leur soutirer des confessions. Elles seraient détenues pendant de longues périodes au secret dans des centres de détention où le personnel serait entièrement masculin. Elles seraient en particulier détenues au centre de détention du Ministère de la défense où elles subiraient des interrogatoires musclés. Ces femmes seraient ensuite jugées par des cours militaires. Les Rapporteurs spéciaux ont en particulier transmis des renseignements sur les cas individuels suivants.

64. **Huyam 'Ali 'Alyan** aurait été arrêtée en mars 2001 par des membres de *Al-Mukhabarat al-'Askariyya*, suite à sa visite à des parents emprisonnés à la prison de Rumieh. Les yeux bandés et les mains menottées, elle aurait été emmenée à Sido Barracks, puis au centre de détention du Ministère de la défense, où elle aurait été maintenue au secret pendant 16 jours, durant lesquels elle aurait été battue et menacée par des agents masculins. Elle aurait été frappée sur tout le corps, y compris le dos, le ventre et les parties génitales. Elle n'aurait pas reçu de soins médicaux et n'aurait pas reçu de serviettes hygiéniques pour contenir le sang. Ceci aurait provoqué un prolapsus (glissement) de l'utérus. Durant sa détention au secret, elle aurait été forcée de rester continuellement assise sur une chaise dans un couloir dans le but de l'empêcher de dormir. Elle aurait été obligée d'être témoin des tortures qu'aurait subies son oncle. Un procureur militaire l'aurait fait examiner par un médecin légiste et d'après le rapport de ce dernier, daté du 11 avril 2001, elle aurait eu des contusions aux bras et poignets cohérentes avec ses allégations. Elle aurait comparu devant la Cour militaire de Beyrouth en juin 2001 et celle-ci l'aurait condamnée pour avoir «collaboré» avec Israël. Elle se trouverait à présent à la prison de Barbar al-Khazen, à Beyrouth.

65. **Khadija Hussain Marwa** aurait été arrêtée chez elle dans le village de Kafr Hatti au sud du Liban en août 1999 par des membres de *Al-Mukhabarat al-'Askariyya* et soupçonnée de «collaboration» avec Israël. Elle aurait été détenue au secret au centre de détention du Ministère de la défense où elle aurait été privée des médicaments qu'elle prenait de manière régulière et aurait été contrainte d'avouer avoir «collaboré» avec Israël. Elle aurait été libérée en août 2000 après avoir servi sa peine dans la prison pour femmes de Beyrouth.

66. **Huda Yamin**, **Lina Ghurayeb** et **Muna Shkayban** auraient été arrêtées entre le 9 et 12 septembre 1994 en même temps que d'autres personnes soutenant le général 'Aoun. Elles auraient été accusées d'avoir distribué des tracts critiquant la présence syrienne au Liban. Elles auraient été détenues pendant plus de deux semaines, pendant lesquelles elles auraient subies des interrogatoires au Ministère de la défense. Lina Ghurayeb et Muna Shkayban auraient été contraintes de se déshabiller devant des officiers masculins et l'une d'elles aurait été frappée sur la poitrine avec un bâton. Elles auraient été tirées par les cheveux et auraient été insultées. Elles auraient été mises en liberté conditionnelle en 1997 avant d'être condamnées à deux semaines d'emprisonnement dans le cas de Huda Yamin, et à dix jours, dans le cas de Lina Ghurayeb et Muna Shkayban.

67. Finalement, le Rapporteur spécial a transmis des renseignements concernant des femmes émigrées, qui travaillent souvent comme domestiques. Lorsqu'elles se plaindraient de mauvais traitements de la part de leurs employeurs, elles seraient soumises à de mauvais traitements supplémentaires de la part des forces de l'ordre. Les femmes détenues pour des raisons liées à la drogue et à la prostitution seraient particulièrement vulnérables aux sévices sexuels. Elles seraient détenues dans des lieux différents des femmes libanaises, en particulier au centre de détention des étrangers des services généraux de sécurité (*al-Amn al-'Amm*), ce qui les rendrait vulnérables aux mauvais traitements et autres abus du fait qu'elles ne comprennent souvent pas la langue et ne bénéficient pas de la protection des autres femmes détenues d'origine libanaise. Très peu d'émigrées bénéficieraient d'une assistance juridique. Elles auraient souvent été forcées de signer des documents dans une langue qu'elles ne comprenaient pas. Certaines émigrées auraient continué à être détenues après avoir été acquittées ou après avoir terminé leur peine en raison des pouvoirs discrétionnaires donnés aux services généraux de sécurité en matière d'application de la loi sur la présence des étrangers au Liban. Certaines pourraient ainsi être considérées comme des menaces pour la sécurité de l'État ou devraient attendre jusqu'au moment où elles recevraient les moyens financiers pour se payer leur billet de retour ou les papiers administratifs permettant leur retour au pays. En particulier, les Rapporteurs spéciaux ont transmis des renseignements sur les cas individuels suivants.

68. **Clarissa Colliante** et **Elda Esquillo**, deux femmes originaires des Philippines, qui auraient été détenues à la prison centrale pour étrangers après avoir refusé de se soumettre à un ordre du directeur des services généraux de sécurité de retourner auprès de leurs employeurs, qui, selon elles, les maltraitaient et refusaient de mettre fin à leur contrat. Elles auraient été détenues au secret sans faire l'objet d'aucune inculpation. Clarissa Colliante aurait par la suite été déportée aux Philippines où en 1999 elle aurait gagné un procès contre son ancien employeur. Elda Esquillo aurait été contrainte de retourner chez son employeur.

69. **Farhoud Fakadu**, une femme d'origine éthiopienne, aurait été accusée d'avoir tué son nouveau-né. Elle aurait été détenue en 1997. Elle aurait été frappée par un policier et un docteur qui l'auraient forcée à signer un document en arabe qu'elle ne comprenait pas. Elle se serait plainte auprès du magistrat en charge de son dossier. Ce dernier n'aurait pas réagi. Elle aurait finalement été condamnée en 1999 à trois ans d'emprisonnement.

70. Dans une lettre en date du 26 novembre 2001, le Gouvernement a indiqué que le ministère public menait des enquêtes dans ces affaires avec les autorités concernées afin d'établir les faits et d'engager des procédures contre les coupables, au cas où les charges portées contre eux seraient prouvées.

71. Dans la même lettre, le Gouvernement a indiqué que le Code de procédure pénale du 2 septembre 2001, tel qu'amendé par la loi n° 359 du 16 août 2001, qui entrera en vigueur le 7 novembre 2001, fixe la durée maximale pour la mise en détention préventive à 48 heures, pouvant être prolongée de 48 heures supplémentaires, sous réserve de l'approbation du Procureur de la République.

Liberia

72. By letter dated 30 September 2001 sent jointly with the Special Rapporteurs on torture and on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that she had received information concerning **dozens of university students and professors** who were reportedly whipped and severely beaten by members of the Special Operation Division (SOD) and the Anti-Terrorist Unit (ATU) in Monrovia, on 21 March 2001, during an alleged peaceful protest against the continued detention of four journalists. More than 40 students were allegedly arrested by the SOD and the ATU and more than 20 of them taken to the National Police Headquarters in Monrovia and later released without charge, bearing visible marks of beatings. At least seven of the female students arrested were allegedly raped and one of the arrested students had his elbow dislocated.

Mexico

73. El 27 de junio de 2001, la Relatora Especial envió un llamamiento urgente en favor de **Adriana Espinoza Buanabad.** Esta mujer habría sido privada de libertad por Jorge Solórzano Santiago, quien, a través de una empresa denominada "Dental norteamericana" y su red, la habría mantenido en situación de explotación sexual desde hace cuatro años. En dichas alegaciones de violencia sexual y trato de blancas se encontrarían involucrados funcionarios públicos del Estado de Veracruz y Oaxaca. Después de haber recibido una denuncia sobre los hechos el 25 de abril de 2001, la Procuraduría General de la República habría remitido el caso a las autoridades del Estado y, a partir de este momento, el seguimiento del caso ya no había avanzado. Sin embargo, ante los temores de que, tras dicha denuncia, la vida de Adriana Espinoza Buanabad se encontraría en peligro, la Policía Federal Preventiva habría detenido a Jorge Solórzano Santiago y lo habría llevado al Ministerio de la Subprocuraduría regional del Istamo para que le sea tomado el testimonio. También habría sido tomado el testimonio de la persona supuestamente encargada de vigilar a la afectada. Un peritaje médico y psicológico habría constatado la violencia física que Adriana Espinoza Buanabad habría sufrido a nivel sexual. De acuerdo con la información recibida, el juez todavía no habría dado la orden de careo, con lo que se teme que las personas implicadas en esta supuesta red de explotación sexual tengan tiempo de hacer desparecer las pruebas restantes. En vista de la supuesta dilación de las instituciones encargadas de administrar e impartir la justicia, se teme que Adriana Espinoza Buanabad y las demás jóvenes puedan ser víctimas de represalias.

74. Por carta con fecha 6 de noviembre de 2001, el Gobierno informó de que el 14 de junio de 2001 se presentó una denuncia de hechos ante la Procuraduría General de Justicia del Estado de Oaxaca, a partir de la cual se inició la averiguación en contra del Sr. Jorge Solórzano Santiago, por la presunta comisión de los delitos de violación y privación ilegal de la libertad, en agravio de Adriana Espinoza Buenabad, Liliana Romero Buenabad y Yazmin del Carmen Navarrete. En ese misma fecha, la policía detuvo al Sr. Jorge Solórzano Santiago y lo presentó ante el agente del Ministerio Público del primer turno de Tehuantepec, Oaxaca. El agente del Ministerio Público procedió, por estar en la hipótesis de un caso urgente, a la retención preventiva de Jorge Solórzano Santiago, al mismo tiempo que se recabaron diversos elementos de convicción sobre la posible comisión de los delitos de corrupción de menores, pornografía infantil y demás que se llegaran a configurar, procediendo a solicitar al Juez Primero de lo Penal

de Tehuantepec, Oaxaca, que determinara el arraigo del indiciado. El 15 de junio el Juez libró el arraigo solicitado dentro del expediente penal como medida cautelar, a fin de desahogar las diligencias tendientes a la integración de la averiguación previa. El 21 de junio las autoridades ministeriales procedieron a asignar elementos pertenecientes a la Policía Judicial del Estado, con el objeto de garantizar la seguridad de las ofendidas. El Ministerio Publico, con base en las diligencias realizadas dentro de la averiguación, logró establecer la probable responsabilidad de Jorge Solórzano Santiago y ejercitó acción penal por los delitos de violación y corrupción de menores. El 2 de julio de 2001, el Juez Segundo de lo Penal de la ciudad de Salina Cruz, Oaxaca, libró en contra del inculpado la orden de aprehensión solicitada, que cumplió la Policía Ministerial del Estado. El 2 de julio el inculpado fue recluido en el Centro de Readaptación Social del citado distrito judicial a efecto de dar inicio al proceso penal correspondiente. Por otra parte, la Procuraduría General de Justicia del Estado de Veracruz informó que también tiene iniciadas y en integración las averiguaciones previas, en las que aparece como indiciado Jorge Solórzano Santiago, al que se le imputan la comisión de los delitos de abusos deshonestos y acoso sexual en agravio de Elizabeth Fanyuti Hau y Teresa Sánchez Sánchez, respectivamente.

Myanmar

75. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

76. **Three young women** originally from Wan Paang village, Nam-Zarng township, including two minors and **Naang Zing Mya**, were reportedly gang-raped by State Peace and Development Council (SPDC) troops from Company No. 4 of LIB 247 at a farm 3.5 miles from the town, on 24 May 1999. A patrol of about 50 SPDC troops reportedly asked them for their men and they answered that they had been taken by SPDC troops to serve as porters. A commander reportedly took one of the minors into a nearby farm, raped her and slapped her until she had bruises all over her face. The other two women were allegedly gang-raped several times. Naang Zing Mya was reportedly shot dead when she tried to run away and the two others were subsequently severely beaten and slapped.

77. **Pa Poi**, **Naang Awng**, **Naang Mawn** and **Pa Loi Pe** were reportedly arrested on 30 October 1999 by SPDC troops from LIB 514, under the accusation of having provided rice for the Shan rebels. They were reportedly taken to a deserted village west of Murng-Kerng town, gang-raped for one night and found dead the following morning.

78. **Naang Ong**, **Naang Thun Nae** and **Naang Paan Yaen** were reportedly arrested by SPDC troops from Company No. 3 of LIB 514 in late March 2000, 2.5 miles south of Kae-See town, Kae-See township, accused of being the wives of Shan rebels. They were tied up and interrogated about their husbands' whereabouts. The youngest woman was reportedly taken away by the patrol commander, who is said to have raped her, while the other two were raped by two officers. The next day, these two women were allegedly handed over to the remaining 30 soldiers, who reportedly gang-raped them and subsequently killed them.

79. **Naang Muay Phawng**, **Naang Zaan Pao**, **Naang Htun Nae**, **Naang Khur Wan**, **Naang Laao Sai** and **Naang Seng Hurn**, aged 16, all displaced women, were reportedly arrested by SPDC troops from LIB 248 in late May 2000, near the Kun-Hing-Murng-Paeng road between Ka Li village relocation site and Kun-Hing town, Kun-Hing township, raped by about 60 soldiers and subsequently shot dead.

80. **Nang Kawng Tip**, a 17-year-old girl from Murng In village, Murng Poo tract, Murng-Start township, was reportedly raped and killed by seven of the SPDC troops from Murng-Sart-based LIB 527 on 13 April 1999, on the banks of the Nam In stream in the vicinity of the village.

81. **Sai Nu**, **Sai Zitta**, **Sai Nya-Lintta**, **Maamg Nguay** (f) and **Naanf Lern** (f), aged 17, were reportedly arrested by SPDC troops from Company No. 2 of LIB 102 on 11 January 2000, on the banks of the Nam Paang river in Kun-Hing township, interrogated about the whereabouts of Shan soldiers in the area and beaten to death. The two women are reported to have been taken with the troops for two days and two nights, during which they are believed to have been repeatedly raped and subsequently shot dead.

82. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

83. **Nang Kya Non** from Kaeng Lom village was reportedly gang-raped by SPDC soldiers from LIB 246 on 27 and 28 September 1998, near her farm 2.5 miles from Kun-Hing town. They reportedly took turns until daybreak and threatened to shoot her if she made any noise.

84. **Nang Lam**, a seven-month-pregnant woman, was reportedly beaten to death and her sister, **Nang Zu**, beaten, raped and robbed by SPDC troops of LIB 22 at a farm three miles south of Mark Mong Pawk village relocation site in Nam-Zarng township on 14 October 1998. Nang Zu was allegedly transferred to hospital for treatment of her head wound. When she explained what had happened, the medical personnel reportedly told her to say that her head was hit by a falling branch. She is believed to have fled to Thailand two or three days later.

85. **Pa Murng Awn**, **Pa Long**, **Naang Zaam**, **Naang Mo Khur** and their husbands were reportedly arrested by a patrol of SPDC troops from LIB 514 on 22 May 1999. They are reported to have been detained in the lock-up of the military camp in Kae-See town, where the women are believed to have been repeatedly raped for three consecutive nights by a captain and three other officers. The eight were allegedly released only when their relatives paid 10,000 kyat and they fled to Thailand on 11 June 1999.

86. **Naang Noot** was reportedly threatened with a gun and raped by an officer from LIB 227 of the SPDC in Murng-Phyak on 18 September 1999, when she was fishing close to Wan Tap village, Murng Nung tract, Murng-Khak township. Fearing reprisals, she reportedly did not officially complain about the rape.

87. **Naang Mawn Zing**, aged 17, and **Naang Lam Poi**, both schoolgirls from Lai-Kha, were reportedly arrested by SPDC soldiers in early October 1999, when attending a school meeting during which they asked about alleged human rights violations committed by soldiers. They were reportedly taken to LIB 515 base, where they were raped for four days and nights. Their parents were allegedly ordered to pay 15,000 kyat for the release of each of them.

88. **Naang**, a 16-year-old girl, was reportedly gang-raped at gunpoint by three SPDC soldiers from LIB 279, including a sergeant, on 12 January 2000, on the bank of Nam Yarng stream near Ter Laat village, in Murng-Yarng township.

89. **Naang (Zang)** and **Naang (Nawt)**, aged 17, were reportedly raped on the banks of Nam Yaang stream some distance from their village on 6 March 2000 by SPDC troops from LIB 314 near Yaang Khum Mu village, Nawng Kwaang tract, Kaeng-Tung township.

90. **Naang (Mya Tawng)**, a displaced Shan woman, was allegedly raped at gunpoint on 29 March 2000 by the commander of Company No. 4 of the SPDC Kaeng-Tung-based LIB 529, stationed at Naa Kawng Mu. The latter is also alleged to have threatened to imprison the village leaders who wanted to complain about the rape.

91. **Pa Wai**, originally from Kun Pu village, Kun Pu tract, and **Naang Thawn**, **Naang Thun Nae** and **Naang Ing**, aged 9, all from Naa Mawn village, Nawng Hai tract, were allegedly raped by SPDC troops from LIB 246 based at Kun-Hing township. They were reportedly arrested in late April 2000 and repeatedly raped for five days and four nights by the soldiers.

Nigeria

92. On 7 November 2001, the Special Rapporteur sent an urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Ms. Safiya Hussaini Tungar-Tudu**, a pregnant woman, who was sentenced to death by stoning by an Islamic Court in Gwadabawa, in the northern Nigerian State of Sokoto. According to information received, she was sentenced for having premarital sex. It is reported that she had until 8 November to appeal the sentence and that the court's ruling was to be reviewed by the State governor before a punishment date was decided upon. Ms. Tungar-Tudu's alleged sex partner was reportedly acquitted by the same court because it lacked sufficient evidence to prosecute him for the alleged sexual indiscretion.

93. On 11 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture on behalf of **Bariya Ibrahim Magazu**, a 17-year-old girl, on behalf of whom the Special Rapporteur on torture had already intervened on 29 September 2000. She was reportedly sentenced to 180 strokes of the cane by a Shariah (Islamic Law) court in Tsafe, Zamfara State, in early September 2000, allegedly for having had sexual relations outside marriage and for having falsely accused three men of having sexual relations with her. The sentence was not carried out at that time since she was due to give birth. It is believed that she had the baby mid-December and that the sentence would be carried out on 27 January 2001.

Philippines

94. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information according to which women in the custody of law enforcement officials are particularly vulnerable to torture, including rape and sexual abuse. Most of the victims are said to be members of socially disadvantaged groups, including suspected prostitutes, street children, drug addicts and other women considered to come from the lowest strata of society. It is reported that the police use article 202 of the Revised Penal Code, "the anti-vagrancy law", on a routine basis as a pretext to arrest women arbitrarily, extort money or subject them to sexual violence. In 1997, the Committee on the Elimination of Discrimination against Women criticized the discriminatory application of this law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients. The alleged vague wording of this law is also reported to leave it open to abuse by law enforcement officials.

95. Women are believed to be particularly vulnerable to rape between the time of arrest and arrival at a police station. Following arrest, women detainees are reportedly taken to the local police station for questioning, where they are allegedly held in a detention cell before being charged. It is reported that, although according to Philippine regulations male and female detainees are supposed to be segregated in police custody, women are held together with men in many police stations. It is also alleged that police officers sometimes offer to release women or to give them preferential treatment if they agree to have sex with them. This is said to occur despite article 245 of the Revised Penal Code which forbids public officers from making sexual advances towards female detainees. According to the information received, the Manila police have also been criticized for their practice of employing "errand girls" to carry out menial tasks in some police stations. In June 2000, the Philippine House Committee on Public Order and Security reportedly called on police officers to stop this practice, citing an incident during which, according to the Committee, a detained street girl had been raped at a police station in Luneta, Manila. It is reported that, in most of the cases, victims of sexual abuse are reluctant to lodge a complaint, fearing that this would entail their being subjected to further sexual violence by other police officers. Furthermore, in a large number of cases, alleged victims are believed to refuse to pursue a case, fearing reprisals against their families.

96. The Special Rapporteurs had been informed that under the Philippine law (Republic Act No. 7659, known as the Death Penalty Law of 1993, and Republic Act No. 8353, known as the Anti-Rape Law of 1997), law enforcement officials, including police and military officers, found guilty of raping a woman in their custody face a mandatory death sentence. The Special Rapporteurs were aware of four death sentences imposed on police officers following conviction. It was also reported that, in two cases, police officers found guilty of the rape of a woman in their custody had been given long prison terms. The Special Rapporteurs believed that, while it was commendable that the perpetrators of such crimes be brought to justice, their sentences should conform with internationally recognized human rights standards.

97. Medical reports in rape cases, where they exist, are reported to present irrelevant findings and to employ non-medical terminology, such as "non-virgin state". The Special Rapporteurs recalled that lack of medical evidence of sexual penetration does not refute an allegation of sexual abuse and that the complainant's testimony must be impartially evaluated for consistency,

credibility and coherence. In this context, the Special Rapporteurs referred to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the so-called Istanbul Protocol (recently published as Professional Training Series No. 8 (HR/P/PT/8)), which states that "even on examination of the female genitalia immediately after rape there is identifiable damage in less than 50 per cent of cases and lesions in less than 30 per cent of cases of anal rape" (para. 220).

98. Lodging a complaint against a police officer or prison official requires courage and often financial resources beyond the means of most victims. According to the information received, it is not unusual for a victim of rape by law enforcement officials to be threatened or pressured by the perpetrator into withdrawing her complaint. If the victim is from a disadvantaged social or economic group, as is most often the case, her chances of obtaining justice are said to be bleak.

99. The Special Rapporteurs also received information on prison conditions. A number of women are reported to have been victims of sexual abuses, including rape, by prison officials. According to the information received, there have not been any successful prosecutions of prison officials for rape. It is alleged that in certain prisons, female and male detainees are not held in fully segregated areas, which is believed to lead to further abuses. Despite the fact that, in accordance with international standards and the 1993 Manual of Standards and Policies issued by the Philippine Bureau of Corrections, women detainees should be attended and supervised only by women officers, it is reported that most of the prison guards and officials in women prisons are men.

100. Material conditions in Philippine prisons are said to be poor and heavy overcrowding seems to be one of the major problems. According to the information received, owing to a heavy backlog in court cases, detainees - many unable to pay money as surety for bail - may wait years for their trials to be concluded. The Special Rapporteurs had received reports of nutritional deficiencies and inadequate medical facilities, including lack of medicines in prison infirmaries. Women who become pregnant as a result of custodial rape are said to face an additional set of traumas, such as lack of access to proper medical care or counselling. Abortion is said to be prohibited. It is also reported that, during the rainy season, parts of some jails, like the Manila City Jail, become badly flooded. Contaminated flood waters may carry various bacteria causing diseases such as cholera, typhoid fever and other enteric infections to spread among the detainees. Respiratory diseases such as tuberculosis are allegedly common, and according to the information received, a number of inmates had been found to have contracted leptospirosis, a potentially fatal disease carried by rats.

101. Finally, the Special Rapporteurs had been informed that at least 12 Muslim women had been raped by military personnel in the provinces of Sultan Kudarat, Maguindanao and Lanao del Sur in central and western Mindanao. It is believed that the number of victims of sexual abuse by soldiers may be higher. However, women are said to be reluctant to report the rape to the authorities, for fear of reprisals. No official investigations into these allegations are known to have been ordered.

102. In particular, the Special Rapporteurs received information on the following individual cases.

103. **A 17-year-old girl** was reportedly arrested in February 1999 by Quezon City police officers, along with two other women, on suspicion of involvement in a robbery. While in detention at the women's detention cell of a Quezon City police station, she was taken by a police officer into a dark room, where she was allegedly raped. She is said to have been brought back later that night to the same room, where she was sexually abused by a second man, believed to be a radio reporter. On 12 February 1999 she was reportedly examined by a male police doctor, who is said to have concluded that she was "in a non-virgin state" and that he could find no external signs of trauma. The police officer allegedly admitted questioning her twice during that night, but denied having raped her. An investigating prosecutor dismissed her complaint against the accused police officer and radio reporter for lack of evidence. However, this decision is said to have been subsequently overturned by the Chief Prosecutor, who recommended the filing of criminal charges for rape and acts of lasciviousness. It is reported that the accused persons were neither detained, nor charged. In May 1999 and again in June 1999 the girl and the accused police officer were summoned to appear at separate hearings for grave misconduct before the People's Law Enforcement Board. It is not known whether these hearings took place. As the girl was allegedly unable to pay bail of 100,000 pesos for her release, she was reportedly transferred to Quezon City Jail, where she is thought to remain, awaiting trial in connection with the robbery charge against her.

104. **A 21-year-old woman** suffering from mental illness is reported to have been raped by three police officers in June 1999. She had been arrested allegedly for "loitering" in the vicinity of the international airport, in Manila. It is reported that the police officers reportedly took her to an unknown location instead of to the local police station and dumped her unconscious body from a police patrol car,. The three police officers were subsequently suspended pending official investigation, but it is not known whether they were facing criminal charges for rape.

105. **A 17-year-old girl**, detained at Dagupan City Jail on suspicion of involvement in a homicide case, reportedly accused in January 2000 the former jail warden and 11 guards of raping her. She was allegedly threatened with guns and forced to drink alcohol and to perform oral sex. Her attempts to complain and requests for medical treatment were reportedly ignored until she was eventually admitted to a clinic, complaining of severe pain in her genitals and suffering from a sexually transmitted disease.

106. **A 24-year-old woman** was reportedly arrested by three police officers of the Western Police District, in Malate, Manila, in September 2000. The officers reportedly released her without charge, after forcing her to perform oral sex inside a police car, threatening her and robbing her of a large amount of money which they ordered her to withdraw from her bank account. The police officers, who were allegedly reassigned to new jobs after the incident, were still at liberty several weeks later, despite the fact that they were said to be facing charges of rape and robbery.

107. **A 22-year-old woman** detained at Antipolo City Jail was reportedly raped in January 2000. She had allegedly been detained for a minor crime and was reported to have been repeatedly abused and threatened by a police officer. In September 2000, she gave birth to a baby, allegedly conceived as a result of the rape. In November 2000, the then Secretary of the Interior and Local Government, Alfredo Lim, reportedly ordered an investigation against a senior police officer accused of having repeatedly raped her.

108. **An 18-year-old woman** was arrested late at night outside a store in Malate, Manila, in April 2000 on suspicion of violating the anti-vagrancy law. It is reported that instead of being taken to the local police station, she was brought to a private jeep, forced inside and raped at gunpoint by two police officers and a third man. The three men were said to have been arrested and detained for questioning while criminal and administrative charges were being prepared against them.

109. **A 38-year-old woman** is reported to have filed a complaint with the Office of the Ombudsman against the warden of Talavera District Jail, Province of Nueva Ecija. According to the information received, she complained that the jail warden raped her four times in late 2000, made her pregnant and then forced her to abort the child. He allegedly also threatened to kill her.

Qatar

Follow-up to previously transmitted communications

110. By letter dated 23 July 2001, the Government responded to the Special Rapporteur's communication dated 23 October 2000 concerning the case of **Mr. Arunda Nayanta Pandita** and **Mrs. Saleha Saleem** (see E/CN.4/2001/73/Add.1, paras. 43-44). The Government indicated that Mr. Mohammed Ameerudeen Saleem (Indian) filed a complaint against Mr. Arunda Nayanta Pandita (Sri Lankan) in which he alleged that the latter had seduced his daughter, who was working as his subordinate, and had travelled with her from India to Sri Lanka where he had married her in spite of their differing nationalities and religions (he being Buddhist and she Muslim), all this being without the knowledge of her family. The Government reported that since this constitutes a violation of the provisions of the Islamic Shariah, which is applied in the State of Qatar, the court ordered their separation on the ground that the marriage, being contrary to public order, was null and void. The official records show that Mr. Arunda was held in preventive custody for a short time, was subsequently released on bail and left Qatar for Sri Lanka before an appellate judgement was handed down in the case. He was not sentenced to detention or any other penalty, the court having merely ordered the couple's separation.

111. According to information provided by the Government during the proceedings, Mrs. Saleha claimed that she had married Mr. Arunda only after he promised her that he would convert to Islam. The Government stated that Mr. Arunda's assertion that he had been forced to convert to Islam was false since, in his allegations, he did not identify the authority which forced him to do so, nor did he provide any evidence to that effect. Moreover, the court did not make the continuation of the marriage contract conditional on his conversion. Saleha was temporarily prevented from leaving the country at the request of her father, in view of the fact that the case was still being heard by the courts. The Government indicated that her passport had never been taken away by the Ministry of Foreign Affairs or any other government authority. Mr. Arunda's relationship with Saleha ended when the judgement was handed down and, consequently, any complaint to the effect that she was being held against her will should be made by her or by a person with whom she has a legal relationship. The Government stated that the allegation that Saleha was prevented from continuing her education and from finding employment was

unrealistic, as the State did not deny foreign residents the right to study or seek employment. Furthermore, Saleha was not denied access to communication, including e-mail. The Government denied all the allegations.

112. The Government assured the Special Rapporteur that in its human rights agenda, the State of Qatar accords priority to the question of violence against women, in keeping with the established principles of the Islamic Shariah, under which it is prohibited to subject women to any form of harm detrimental to their human dignity.

Republic of Moldova

113. On 30 January 2001, the Special Rapporteur sent an urgent appeal to both the Governments of the Republic of Moldova and Turkey on behalf of **Ms. Olga Torgonscaia**, aged 21 years, from Chisinau, the Republic of Moldova. According to information received, Olga Torgonscaia was trafficked from the Republic of Moldova to northern Cyprus to work as a prostitute. It is reported that, on 29 September 2000, one Michail (surname unknown), a family member of one of Olga Torgonscaia's friends, offered her work as a waitress in Italy, which she accepted. He told her that she would have to go to Istanbul, in order to get an Italian work permit from the Italian Embassy there. Michail allegedly took her to Kagul (Moldova), where she was consigned to a woman who accompanied her to Istanbul by plane on 30 September 2000. She lived there for some days, until she was told that it was impossible to obtain an Italian visa but that nevertheless there was a similar job in Cyprus. On 10 October 2000, she was reportedly taken to northern Cyprus. When she arrived she realized that she had been cheated and was forced to work as a prostitute in a casino nightclub called "Crazy Girls" situated in the Turkish sector of Lefkosha. Olga Torgonscaia is reportedly not allowed to leave and may only call home occasionally and under strict surveillance. Serious fears had been expressed concerning the health and life of Olga Torgonscaia if she was not freed soon.

Observations

114. The Special Rapporteur has been informed that Olga Torgonscaia has been released.

Russian Federation

115. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information concerning **Zara Isaeva**, from Chechnya, who was visiting Moscow for medical treatment on 14 September 1999 when she was reportedly arrested at the home of her brother, **Zavlady Isaev**, along with one of his friends, **Musa Vagaev**. During an interrogation at a police station, she was allegedly stripped naked for an examination and threatened with being handed over to homeless vagrants to be raped. She was reportedly released after a day in detention. Zavlady Isaev and Musa Vagaev are believed to have been beaten and forced to sign a confession relating to possession of drugs.

116. By letters dated 28 October 2001 and 16 November 2001, the Government responded to the Special Rapporteur's letter. By letter dated 29 October 2001, the Government stated that there had been no complaints from Mrs. Z. Isaeva, Mr. Z. Isaev or Mr. M. Vagev regarding their alleged illegal treatment by law enforcement officials. By letter dated 16 November 2001, the Government replied that inquiries had established that M. Vagaev had been detained on 14 September 1999 by the Internal Affairs Department of the Moscow South-eastern Administrative District for a drugs offence and for possession of weapons. On 14 April 2000, he was sentenced by the Moscow Kuzminsk Inter-district Court to one year's deprivation of liberty and to a suspended sentence of six months' imprisonment. Z.S. Isaeva was detained on 14 September 1999 for petty hooliganism and released the same day after an administrative report had been drawn up. In this connection, breaches of the law were committed by members of the militia in that they completed certain administrative documents improperly. The decision by the head of the "Zhulebino" Internal Affairs Directorate of the Internal Affairs Department of the Moscow South-eastern Administrative District to fine Z.S. Isaev was appealed by the Office of the Moscow Kuzminsk Inter-district Procurator. The appeal was upheld and the fine paid by Z.S. Isaev was returned to him. Representations were made to the head of the Internal Affairs Directorate for countenancing these breaches. Z.S. Isaev was detained at 11 p.m. on 14 September 1999 for petty hooliganism. He was released at 3 a.m. on 15 September 1999 after an administrative report had been compiled. Allegations of violence used against Z.S. Isaeva, Z.S. Isaev and M.M. Vagaev were found not to be substantiated by the Office of the Moscow Kuzminsk Inter-district Procurator.

Sri Lanka

117. On 8 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the sale of children, child prostitution and child pornography on behalf of **Palanithami Sasikala** (aged 17). According to information received, Palanithami Sasikala was kidnapped on 28 September 1998 from her home in Pethalai Valaichenai by her uncle. He allegedly took her to his house and then handed her over to an army officer attached to the Kayankeney army camp, Valaichenai, Batticaloa. The officer then took her to his mother's house in Dambulla. Since then, she has reportedly been forced to work as an unpaid domestic aide and has not been allowed to attend school. Once the family of Palanithami Sasikala determined her whereabouts, they reportedly asked the officer to release her. However he did not and reportedly threatened them. Fearing reprisals, the family did not file a complaint with the authorities. At a later date, the officer was transferred to another post and, on 2 July 2001, the family filed a complaint with the Kalumunai police, who asked the officer to report to the station, which he did. However it is reported that Palanithami Sasikala was not released and, although the family has filed another complaint, no action has yet been taken by the authorities.

118. By letter dated 20 December 2001, the Government of Sri Lanka informed the Special Rapporteur about the case of **Palanithambi Sasikaran**. The Government reported that an investigation had been initiated after a complaint was made to the Human Rights Commission of Sri Lanka by Home for Human Rights on behalf of Ms. Palanithambi Sasikaran. According to the investigations, Ms. Palanithambi Sasikaran was handed over to Mr. Opatha of the Sri Lanka army by her grandfather when she was 12 years old and Rs. 1,000 per month was given to the grandfather for about one and a half years. According to the Government, there was consensus

that the child was not being kept by Mr. Opatha or his mother forcibly. Furthermore, the inquiry did not show any evidence that the child was being kept forcibly and/or that Mr. Opatha took the child using his authority as an officer of the army. The Government further stated that the only issue, if any, to be examined would be the question of custody of the child.

119. By letter dated 30 August 2001 sent together with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

120. **Velauthapillai Rajani**, a 22-year-old woman from Urumpirai North, was reportedly arrested on 30 September 1996 in Kondavil-Urumpirai Road by the Sri Lankan army, dragged into a house and raped. Her naked dead body was allegedly found later in the compound.

121. **Ida Hamilitta**, on behalf of whom the Special Rapporteur on violence against women had already intervened, was reportedly killed by army personnel on 13 July 1999, in her home in Pullimunai in Mannar district. Kesavan Rajah had reportedly been forced by army personnel to bring them to Ida Hamilitta's place and had been tied up and hit on the face upon arrival. Soldiers allegedly raped Ida Hamilitta, stabbed her in the abdomen, shot at her genitals and killed her. When, on the following day, Kesavan Rajah went to the Pallimunai police to lodge a complaint, the police reportedly refused to record his statement and threatened him.

122. **Krishnapillai Thayayothy** was reportedly raped and killed by Home Guards operating with the government forces, at Poomaraththadichenai, Muttur on 2 October 2000. She had reportedly been abducted along with six other farmers, all of whom are said to have been brutally murdered. Krishnapillai Thayayothy's body was allegedly mutilated.

123. By letter dated 7 December 2001, the Government stated that initial investigations into the case of **Ida Carmalceta (Ida Hamilitta)** revealed that a group of army personnel had entered the house of the deceased on the night of 12 July 1999 and had raped and killed her. On 20 July 1999, the Criminal Investigation Division (CID) arrested a corporal and a soldier of the Sri Lanka army in relation with the rape and murder. Upon their arrest, they were produced before the relevant magistrate and remanded. Investigations revealed the complicity of three other army personnel in the commissioning of the crime. However, prior to being arrested, on 13 December 1999, they surrendered to the Magistrates Court and were also remanded. Another suspect surrendered to the court on 31 January 2000. On 20 July 1999, an identification parade was held in the Magistrates Court of Mannar. The first two suspects were identified. Criminal proceedings were instituted against the suspects for having committed the rape and murder. On 8 August 2000, a non-summary inquiry commenced in the Magistrates Court of Mannar. Subsequently, owing to the unsatisfactory nature of the security situation that prevailed in Mannar, the Attorney-General transferred the case to Colombo. The Chief Magistrates Court of Colombo assumed jurisdiction and the non-summary case recommenced in that Court. On 3 July 2001, upon review of the available evidence and upon being satisfied that there existed no evidence to proceed against the three suspects, the magistrate discharged the said suspects from further proceedings. The Government reported that the two main suspects remain accused, and the non-summary inquiry against them is continuing.

124. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

125. **Lakshmi Pillai** was reportedly raped by two army informants in August 1995, at her home, in Trincomalee, in front of her two sons, in revenge for having spoken about her previous rape at Plaintain Point army post in August 1993. The informants were reportedly arrested but later released on bail.

126. **Sivasothy Krishnapillai**, aged 31, was reportedly raped by three Special Task Force (STF) personnel on 31 December 1996, in Mandoor, Batticaloa district. The inquiry into the case was reportedly held at the Batticaloa district court on 30 November 1998.

127. **A 17-year-old Tamil schoolgirl** was reportedly severely beaten and raped by two Sinhala soldiers at a secluded spot on 17 July 1997, when she was on her way to a school in Araly South. She was allegedly admitted to Jaffna teaching hospital with severe injuries.

128. **Sri Balakumar Ajanthana**, a 17-year-old from Kandy Road, Ariyalai, in Jaffna town, was reportedly raped by a police constable on 15 April 1998, resulting in heavy bleeding from the vagina, and admitted to the Jaffna hospital at Kopay.

129. **Rajeswary Krishnarajah**, a 35-year-old widow was reportedly gang raped by soldiers on 29 September 1999 in her home, at Vaalaithottam in Varani in the Thenmaradchi Division of the Jaffna Peninsula. Her brother and father were allegedly blindfolded. She was reportedly taken to a nearby coconut plantation, where she was raped by two soldiers. She managed to escape from a third soldier. On the following day, doctors at the Chavakachcheri hospital reportedly confirmed that she had been raped.

130. **A 13-year-old girl** is said to have been gang raped on 14 December 1999 at her home in Mawanella, east of Colombo on the Kandy Road, by a group of five police officers of the CID and an army deserter. The group reportedly entered the house, threatened the parents at gunpoint, took the girl to the kitchen and raped her. Only the army deserter has allegedly been arrested in connection with the alleged assault.

131. By letter dated 18 December 2001 the Government replied regarding the cases of **the 17-year-old girl (Yoganadhan Dishalani)** and **Rajeshwari Krishnarajah**. In regard to the first case, the Government reported that inquiries had been made into the alleged incident, reported to have occurred on 11 July 1997 in Aralay South in the Jaffna Peninsula, a soldier had been arrested and a case filed against him. The case was transferred on 13 November 1997 from the Jaffna Magistrates Court to the Mallakkam Magistrates Court. The next hearing was scheduled to be held on 21 December 2001. The alleged perpetrator has reportedly been demobilized from service pending completion of the court proceedings.

132. In regard to the case of **Rajeshwari Krishnarajah**, the Government reported that on 29 September 1999, at around 11.30 p.m., three persons in army type uniforms entered her house and raped her. The police submitted a report to the Magistrates Court on 6 October 1999, however further action is pending as the rapist has not been identified.

133. By letter dated 17 July 2001, sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

134. **Wijikala Nanthan**, a pregnant woman, and **Simvamani Sinnathamby Weeralon** were reportedly arrested by the Mannar Police Counter Subversive Unit (CSU) under the Prevention and Terrorism Act, at 11 p.m. on 13 March 2001. The CSU reportedly accused them of being members of the Liberation Tigers of Tamil Eelam (LTTE). The two women were allegedly raped repeatedly by CSU and Navy officers until they agreed to confess to possessing links with the LTTE and to sign confessions, while still detained, on 17 March 2001. They were sentenced to 14 days in judicial custody by Mannar district judge, during which time they were allegedly repeatedly raped again.

135. **A widowed mother of two** was reportedly stopped on 23 June 2001 by police at a checkpoint on the Borella Road, in Maradana. On 24 June, two policemen and a member of the military attached to the checkpoint reportedly went to her home and said that she must go with them to the Maradana police station. While en route to the police station, they reportedly stopped at a bunker near the Maradana Borella checkpoint and raped her.

136. By letters dated 9 April and 21 December 2001, the Government responded in regard to the cases of **Sivamany Archunan** and **Wijikala Atunam**. It stated that a special team of CID officers from Colombo had taken over the case and commenced further criminal investigations. By letter dated 21 December 2001, the Government reported that at the request of the CID a series of identification parades had been held. Fourteen naval and police personnel had been arrested by the CID, remanded and thereafter produced at identification parades. It stated that criminal investigations had recently been concluded, and the investigative material forwarded to the Attorney-General, enabling consideration of the institution of criminal proceedings.

137. By letter dated 7 December 2001, the Government responded in regard to the case of **Velu Harsha Devi**. The Government reported that following the lodging of the complaint, on 24 July 2001, alleging that two police officers and two army soldiers had raped Ms. Velu Harsha Devi at the Technicak College checkpoint in Maradana, located in the district of Colombo, investigations had commenced and within 48 hours four suspects had been arrested and remanded. At the identification parade on 6 July 2001 the complainant identified two of the suspects, including a reserve police constable. The reserve police constable had since been demobilized. Investigations had been concluded and the investigative material forwarded to the Attorney-General, enabling consideration of criminal proceedings. The Attorney-General was due to advise the Police to institute non-summary proceedings.

Follow-up to previously transmitted communications

138. By letter dated 30 January 2001, the Government responded to the communication sent on 14 March 2000 (E/CN.4/2001/73/Add.1, para.53 (c)) concerning the case of **Pushpa Malar**. The Government stated that investigations in connection with the case had been conducted by the Senior Superintendent of Jaffna with the assistance of the police stations in Jaffna, Chavakacheri, Kodikamam and Pallai. However, the criminal investigations had not yielded positive results.

Observations

139. The Special Rapporteur welcomes the establishment, by the Commander of the Sri Lanka Army, of a directorate to deal with human rights issues. This directorate has been mandated to implement the directives of the Commander of the Sri Lanka Army relating to human rights and to oversee the implementation of human rights norms and standards, in line with domestic constitutional and other legal provisions and those relating to international human rights law. The new Directorate is administratively linked to the Directorate of Humanitarian Law, established in 1997, and has been designated as the Directorate of Human Rights and Humanitarian Law. However, despite this, the Special Rapporteur remains very concerned about the situation. Sexual violence continues, as can be seen from the number of cases reported this year. The Special Rapporteur would encourage the authorities to take all necessary measures to prevent further cases from occurring.

Turkey

140. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

141. **Fatma Tokmak**, a woman of Kurdish origin, and her two-year-old son Azat were reportedly detained by police officers in Istanbul on 9 December 1996 on suspicion that she and her husband were members of the Kurdistan Workers Party (PKK). During their detention in police custody at the Anti-Terror Department of the police headquarters in Istanbul, until 20 December 1996, they were reportedly tortured. In front of Fatma Tokmak's eyes, Azat was reportedly given electric shocks on the back and had cigarettes stubbed out on his hands, to elicit confessions from his mother. Fatma Tokmak was reportedly violently undressed, forced to lie on the floor while her son was put on top of her and told "Come on, fuck your mother". She was reportedly threatened with rape, including with a truncheon, several times hung by her arms and sexually abused while in that position. She was threatened with her son's death when police took him away. On 20 December 1996, she was reportedly taken to the State Security Court in Istanbul, which remanded her to prison in Gebze. With the help of her lawyer, her son was reportedly found and returned to her mother some weeks later. A medical report by the Istanbul Medical Chamber is said to corroborate her allegations. She reportedly filed a formal complaint in 1997 against the police officers who allegedly tortured them. In July 1998, the public prosecutor in Fatih reportedly decided not to initiate proceedings, a decision appealed by her lawyers and rejected in June 2000. Fatma Tokmak is said to remain in Gebze prison charged with PKK membership in a trial in which the death penalty is being sought. She is believed not to have received a comprehensive medical examination.

142. **Fahriye Bikin**, **Müyesser Günes**, **Sekernaz Cakal**, **Rahime Inci**, **Azize Yildiz**, members of the Peace Mothers Initiative, and their male interpreter, **Murat Batgi**, were reportedly arrested by gendarmes at the Iraqi border on 4 October 2000 and interrogated at the border town of Habur for nine hours. After a medical check, the women were reportedly taken blindfolded to the Gendarmerie Headquarters in Silopi and interrogated again by gendarmes, who insulted them, stripped them naked, sexually abused them, strangled them with their headscarves and hit them on the back of their heads and necks. The gendarmes allegedly

squeezed Azize Yildiz's breasts, took nude photos of her and threatened to publish them. Rahime Inci and Sekernaz Cakal were reportedly hit on their shoulders with a heavy object. Fahriye Bikin, who had previously undergone a hip operation, was allegedly made to stand all night. On 7 October they were reportedly brought before a prosecutor, who ignored their complaints of torture, and were remanded to Mardin prison. Murat Batgi allegedly had his testicles squeezed, was beaten and threatened. He was reportedly remanded to Silopi prison.

143. By letter dated 9 November 2001, the Government responded that **Fatma Tokmak** had been taken into custody on 9 December 1996 in Istanbul along with eight persons. At the time of her apprehension, she was with her child Azat Tokmak, who had been dispatched to the Bahcelievler Nursery of the Social Services and Child Protection Agency on 12 December 1996 and had been returned to his mother by the petition of Fatma Tokmak's lawyer on 28 February 1997. The Government indicated that it had been revealed that within her activities in the PKK she had been involved in some murders and a pistol had been found at the house where these persons had been apprehended. In accordance with the decision of the relevant court, she was arrested and sent to prison on 20 December 1996. The trial is pending at Istanbul State Security Court. As none of the medical reports indicate any ill-treatment against them, a decision of non-prosecution was taken regarding the case against the police officers who were alleged to have committed torture. The objection to this decision was later rejected by the relevant court.

144. On 1 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on torture on behalf of **Asiye Güzel Zeybek**, a journalist, who had been arrested by the Turkish authorities in February 1997 and charged with membership of the Marxist-Leninist Communist Party (MLCP), an "illegal organization" under article 168 of the Turkish Penal Code. She reportedly filed a complaint against eight police officers, claiming that she had been subjected to severe torture including repeated rape over a period of 13 days while she was being held for interrogation at the Istanbul Security Headquarters. A first hearing of her complaint against the eight police officers was reportedly held in November 1998; however, in October 1999, the charges were rejected. It is reported that the court stated that there was "no proof of guilt" against the police officers, in spite of the fact that evidence that she had been raped was presented by members of the Medical Faculty at Istanbul University. In December 2000, she was among hundreds of detainees who protested against their transfer from the prison in Gebze to new detention centres. She reportedly suffered severe injuries as a result of police action and these resulted in temporary paralysis. The initial trial proceedings against Asiye Güzel Zeybek were reportedly commenced in February 2001, four years after her arrest. On 21 September 2001, the proceedings were further adjourned until 7 December 2001.

145. On 18 April 2001 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on human rights defenders on behalf of **Ms. Eren Keskin**, a prominent lawyer who is a leading member of the Human Rights Association (IHD) and founder of the Legal Aid Project for women who have been raped or sexually abused in custody. According to information received, Ms. Keskin had been receiving threatening telephone calls on her mobile phone, at her law office and at the office of the IHD, including threats that she would be raped or killed. Furthermore, on 9 April 2001, Ms. Keskin allegedly learned that a man arrested in Konya had confessed that he

had intended to kill her. The harassment has allegedly taken place since Ms. Keskin visited Silopi, in the south-eastern province of Sirnak, as a member of a delegation investigating the disappearance of two members of a Kurdish political party.

146. By letters dated 5 and 13 June 2001, the Government responded regarding the case of **Eren Keskin**. The Government stated that Mr. Hüseyin Calik was taken into custody on 25 April 2000. He confessed that he had been planning to murder Eren Keskin and that he had gone to Istanbul in March 1999 in possession of a pistol. He said that he had gone to the office of Eren Keskin, but could not achieve his goal due to the crowd in the office. Upon the completion of the investigation, Hüseyin Calik was arrested. The Government indicated that Ms. Keskin had not requested the security forces to provide her with personal protection. She asked for a police patrol in the neighbourhood of the Istanbul branch of the IHD. The Government indicated that, upon that request, the necessary measures had been taken by the security forces.

147. On 30 January 2001, the Special Rapporteur sent an urgent appeal to both Turkey and the Republic of Moldova on behalf of **Ms. Olga Torgonscaia**, aged 21 years, from Chisinau, the Republic of Moldova. According to information received, Olga Torgonscaia was trafficked from the Republic of Moldova to northern Cyprus to work as a prostitute. It is reported that, on 29 September 2000 one Michail (surname unknown), a family member of one of Olga Torgonscaia's friends, offered her work as a waitress in Italy, which she accepted. He told her that she would have to go to Istanbul, in order to get an Italian work permit from the Italian Embassy there. Michail allegedly took her to Kagul (Moldova), where she was consigned to a woman who accompanied her to Istanbul by plane on 30 September 2000. She lived there for some days, until she was told that it was impossible to obtain an Italian visa but that nevertheless there was a similar job in Cyprus. On 10 October 2000 she was reportedly taken to northern Cyprus. When she arrived, she realized that she had been cheated and was forced to work as a prostitute in a casino nightclub called "Crazy Girls" situated in the Turkish sector of Lefkosha. Olga Torgonscaia was reportedly not allowed to leave and could only call home occasionally and under strict surveillance. Serious fears had been expressed concerning the health and life of Olga Torgonscaia if she was not freed soon.

Observations

148. The Special Rapporteur has been informed that Olga Torgonscaia has been released.

United Kingdom of Great Britain and Northern Ireland

Follow-up to previously transmitted communications

149. By letter dated 17 May 2001, the Government responded to the Special Rapporteur's communication regarding the prison system in Bermuda, one of the United Kingdom overseas territories (E/CN.4/2000/68/Add.1, paras.27-30) stated that responsibility for the prison service was devolved to the Government of Bermuda. Recognizing that Bermuda faced some challenges with the administration and management of the Prison Service (including the Co-Educational Facility catering separately for female and juvenile inmates), the Government of Bermuda commissioned an enquiry into the state of prisons in July 1999. The review was carried out by

Mr. C.P. Gibbard, a governor in Her Majesty's Service Prison Service and Prison Reform Coordinator for the United Kingdom Overseas territories. The report includes a series of recommendations, which are the subject of ongoing action. However the report does not refer specifically to any fundamental and serious problems with the treatment of female prisoners. The Government of Bermuda states that it is confident that there is nothing untoward in the treatment of female prisoners in Bermuda. The Government responded that the Home Affairs Minister, Paula Cox, following the investigation into the case of Ms. Miah Lewis, announced in June 1999 that she had ordered "an extra layer of protection to be introduced" to ensure gender segregation in Bermuda's Co-Educational Facility. The Government stated that male prison officers could not be present in the Women's Section without the presence of a female officer and male officers did not have access to the keys for the Women's Section.

Uzbekistan

150. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on torture, the Special Rapporteur advised the Government that she had received information on the following individual case.

151. **Nadira Khidoiatova**, the niece of Uzbekistan's former ambassador of Uzbekistan to the United States, and **Asia Turaniyazova**, who were three and sixth months' pregnant respectively, were reportedly arrested by police in July 1995 and subsequently taken to the cells of the National Security Service, where they were forced to undergo abortions. They were allegedly forced to abort because Uzbekistan law is said to require that pregnant women be released pending trial.

Appendix

CONFIDENTIAL
VIOLENCE AGAINST WOMEN
INFORMATION FORM

INFORMER: *name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.*

Name of person/organization: _____

_____

Address: _____

Fax/Tel/E-mail: _____

VICTIM(S): *information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.*

Name: _____

Address: _____

Date of birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background, religious, social group (if relevant): _____

THE INCIDENT: *including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.*

Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials) include any information, which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.

Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: _____ Time: _____ Location/country: _____

Number of assailants: _____ Are the assailant(s) known to the victim? _____

Name of assailant(s): _____

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship? _____

Description of the assailant(s) (include any identifiable features): _____

_____

DESCRIPTION OF THE INCIDENT: _____

_____

_____

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_____

Does the victim believe she was specifically targeted because of gender? _____ If yes, why? _____

Has the incident been reported to the relevant State authorities? _____ If so, which authorities and when? _____

_____

Have the authorities taken any action after the incident? _____

If so, which authorities? _____

What action? _____

_____

When? _____

WITNESSES: Were there any witnesses? _____

Name/age/relationship/contact address: _____

_____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
(Fax: 00 41 22 917 9006, E-mail: csaunders.hchr@unog.ch)